

EL DORADO COUNTY DISTRICT ATTORNEY'S OFFICE

FINDINGS RE JAYCEE LEE DUGARD CASE

AUGUST 2, 2011

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EXECUTIVE SUMMARY

On August 25, 2009 (the day before Jaycee Lee Dugard was discovered), Phillip Garrido was considered a shining example of a reformed criminal – a man who had not committed a crime since 1976, a man who had performed so well in federal prison that he got paroled almost 40 years early, a man that had performed so well in Nevada state prison that he was released after only 11 years on a life sentence, a man that was so reformed he never became as suspect in the 1991 abduction of Jaycee Lee Dugard, a man that had performed so well under federal parole supervision that he was terminated successfully in 1999, and a man that had never had his parole revoked by CDCR for 10 years under their supervision. Thanks to a Berkley Police Officer and UC Berkley Campus Manager, we now know all of this was a lie. Thanks to those officers we now know the psychologists, parole boards, counselors, and parole officers did not know the truth - that Phillip Garrido is a dangerous sexual predator.

Law enforcement failed to see Phillip Garrido for what and who he truly is...evil. In part, this failure was based upon law enforcement's over-reliance upon the psychiatric profession to predict future dangerousness. Common sense would tell you that the best predictor of future behavior is past behavior. For some unknown reason, psychiatry in the criminal justice system relies far too little on past behavior and far too often on the statements from the criminal – who have a vested interest and motive in presenting themselves in a better light. This problem is exacerbated even more in the prison setting, where criminals know they are being watched and know that they can get paroled even sooner if they comply with prison rules. The problem is further compounded by the fact that a prisoner's institutional adjustment and psychiatric evaluations are given greater weight than the underlying commitment offense. Thus, the major problem with the use of psychiatry in the prison system is that the prisoners will act differently in prison – because they don't have the freedom to rape and murder and destroy lives like they did on the outside of prison walls. Criminals then use psychiatry to manipulate the criminal justice system.

The fact is that under the current parole system, a criminal like Phillip Garrido would still be evaluated by a dysfunctional process that could lead to his release. Unfortunately, due to a significant change in the law *(In re Lawrence* (2008) 44 Cal.4th 1181) occurring only one year prior to Jaycee's discovery, the law does not even allow the parole board to deny parole solely upon the circumstances of the commitment offense. The rule is release. If Phillip Garrido faced parole under the California parole system today, they would evaluate him under a flawed system that: (1) Puts the burden upon the parole board to prove dangerousness; (2) overvalues institutional adjustment and psychiatric evaluations; and, (3) gives little real consideration or weight to the circumstances of the offense, the inmate's reliable past criminal history. He would be evaluated under a system, that even in June of 2011 still rated him a Static-99R "Moderate-Low" risk category, even after he had kidnaped and imprisoned an 11 year old girl for 18 years. Modification of the parole review process is the first step of many that needs to be taken

to ensure that our society is protected from sexual predators like Phillip Garrido and other violent criminals like him.

TOP FIVE MISTAKES OF LAW ENFORCEMENT

On June 10, 1991, Phillip and Nancy Garrido abducted Jaycee Lee Dugard in South Lake Tahoe. On August 26, 2009, 18 years later, Jaycee was finally discovered.

As part of the investigation and prosecution of Phillip Garrido, the El Dorado County District Attorney's Office conducted an exhaustive review of his extensive criminal history, which included a review of: All existing criminal police reports regarding Phillip Garrido; the reports and transcripts of his rape and kidnap of Katie Callaway; his Federal Bureau of Prison records; his Nevada state prison records; his federal and CDCR parole supervision records; all reports and evidence concerning the 18 year FBI investigation into the disappearance of Jaycee Lee Dugard; all records, reports, evidence concerning the 2009 discovery of Jaycee Lee Dugard and subsequent investigation of Phillip and Nancy Garrido; his past and present psychiatric evaluations; his extensive correspondence with Nancy Garrido while in Federal Prison and while incarcerated in El Dorado County Jail; and, interviews conducted with Nancy Garrido and Phillip Garrido.

Upon evaluation of this mountain of evidence concerning Phillip Garrido's criminal history and the failures of the criminal justice system, the El Dorado County District Attorney's Office identifies the top five mistakes made by law enforcement regarding Phillip Garrido.

1. Philip Garrido's Release from Prison

The number one mistake made by law enforcement regarding Phillip Garrido was his release from prison in 1988. Had Garrido served his full term, he would not have been released until 2027, and there would not even have been the opportunity for him to abduct Jaycee Lee Dugard. Phillip Garrido was released from prison after only 11 years of a 50 year federal sentence and a five-to-life Nevada state sentence due to the parole boards' over-reliance on Phillip Garrido's institutional adjustment and grossly flawed psychiatric evaluations concerning his likelihood for future dangerousness, while giving little real consideration (or ignoring entirely) the true nature and extent of Phillip Garrido's crimes and prior criminal history. Phillip Garrido's committing offense involved the brutal rape and kidnap of Katie Callaway, where he handcuffed her and sexually assaulted her for hours. Phillip Garrido's reliable documented criminal history included the kidnapping and rape of a 14 year old girl in Antioch in 1972, the kidnapping and rape of a 19 year old young woman in South Lake Tahoe in June of 1976, the attempted kidnapping and rape of a 25 year old woman in South Lake Tahoe in November 1976 (only one hour before his kidnapping of Katie Callaway), and Phillip Garrido's 1976 admissions to abducting two other women, his 1977 trial admissions to prurient interest in young children (evidenced by his testimony that he repeatedly masturbated in front of grammar schools and high schools), and his repeated admission to having rape fantasies. (See map of crimes Attachment #1 for reference.) An inmate with this type of criminal history should not have been

released only 11 years into a 50 year sentence, no matter how well he had adjusted in the prison system. One of the primary reasons for this failure was the ongoing over-reliance of law enforcement on the psychiatric profession to predict Garrido's future dangerousness. Garrido tried to obtain a shorter sentence in 1978 with the assistance of a psychiatrist who was willing to recommend parole. (See court documents Attachment #2 for reference.) Garrido used those evaluations to assist in getting paroled from federal and Nevada state prison in 1988. The failures and inadequacies of the psychiatric profession were highlighted by Phillip Garrido and his manipulation of them to his advantage.

2. Failure to Identify Phillip Garrido as a Suspect in 1991

The second biggest mistake made by law enforcement regarding Phillip Garrido was their failure to identify him as a suspect after the June 10, 1991, kidnapping of Jaycee Lee Dugard. Phillip Garrido did not become a suspect in her South Lake Tahoe abduction, even though he was a repeat kidnapper and rapist, with a history of kidnapping and raping in South Lake Tahoe, and was on federal parole at the time. At the time of Jaycee Lee Dugard's kidnapping from South Lake Tahoe, Phillip Garrido had already kidnaped and raped 3 identified victims, and attempted to kidnap and rape another. Jaycee was the 5th known victim of Phillip Garrido and the 4th out of South Lake Tahoe. (See map of crimes Attachment #1 for reference.)

3. Failure of Parole Supervision

The third biggest mistake by law enforcement in dealing with Phillip Garrido was the failure of the federal and state parole agencies to adequately supervise him. Federal parole agents failed Jaycee Lee Dugard when they did not adequately supervise Phillip Garrido from 1988 to 1999. CDCR parole agents continued that failure in supervision when they did not properly supervise Phillip Garrido from 1999 to 2009. In total, parole agents visited the Garrido residence 70 times (10 times by federal parole and 60 times by CDCR parole). One of the primary reasons for these failures was the ongoing over-reliance of law enforcement on the psychiatric profession to predict Garrido's future dangerousness. He used psychiatric evaluations to hide his actions while on parole from 1988 to 2009. The failures and inadequacies of the psychiatric profession were highlighted by Phillip Garrido and his manipulation of them to his advantage.

4. Failure of Federal Parole Supervision From May 15, 1991 to May 4, 1995

The fourth biggest mistake of law enforcement, and the most notable of all the parole failures, is that on May 15, 1991 a federal parole agent visited the recording studio of Phillip Garrido. (See federal parole record Attachment #3 for reference.) Just three weeks later, this recording studio became Jaycee Lee Dugard's prison, where she was bound and sexually assaulted for years. For almost four years, between May 15, 1991 until May 4, 1995, the federal parole agent supervising Garrido only visited the Garrido home one time (briefly). These years from 1991 to 1995 were among the absolute worst years for Jaycee Lee Dugard in her captivity with Phillip

and Nancy Garrido, and had the federal parole agents searched the Garrido residence they would have found her.

5. Failure of Federal Parole to Investigate Phillip Garrido Contact with Katie Callaway

The fifth biggest mistake of law enforcement in its dealing with Phillip Garrido was the failure to fully investigate the Phillip Garrido's contact with Katie Callaway in 1988. It was a colossal blunder by the federal parole authorities when they failed to fully investigate the November 1988 incident where Phillip Garrido contacted his former victim Katie Callaway in South Lake Tahoe. In November 1988, Katie Callaway thought Garrido was still serving his 50 year federal sentence and his five-to-life Nevada state sentence. In November 1988, Katie did not even know that Garrido was out of prison, yet alone, had recently been given new freedoms. The coincidence of Garrido's prior victim reporting contact with him the very same month he is given more freedoms – all while she is unaware that he is ever out of prison - is so astronomical that Katie Callaway's concerns should have been addressed and taken more seriously by the federal parole agent.

Then, on November 19, 1988, (the very same day that Michaela Garecht is abducted only 20 miles from Phillip Garrido's half-way-house) the federal parole agent ends his investigation of the Katie Callaway incident by stating that "to subject [Phillip Garrido] to electronic monitoring would be too much of a hassle based on the hysteria, or concerns of the victim..." (See federal parole record Attachment #4 for reference.) Garrido never became a suspect in the Micaela Garecht disappearance, even though there are striking similarities between Garrido's prison photo and a sketch of the suspect (See comparison of sketch and photos Attachment #5 for reference.) Katie Callaway-Hall recalls speaking to the parole agent who ultimately dismissed her allegations without any real investigation. (See letter from Katie Callaway-Hall Attachment #6 for reference.) Katie Callaway was shown a photo of Garrido dressed nicely, with a mustache, with hair combed, and taken from a distance, not a photo that would have shown Garrido how he really looked at the time. In reality, in November 1988, Garrido looked more like he did in the video released by our office of him playing the guitar in a park then he did in any of his prison photos. Katie Callaway-Hall says that Garrido "looked like he did in the [DA's Office] video, not how he did in the photo they showed me." (See comparison photos Attachment # 7 for reference.)

LESSONS LEARNED

Fortunately, since the abduction of Jaycee Lee Dugard in 1991, there have been many significant and important changes in the law that have provided a major step in the direction necessary to correct the problems and mistakes that were so evident with the Phillip Garrido case. Further, both federal and state parole have already stated an interest and commitment to making fundamental changes in the parole supervision system to correct the problems and mistakes made by their respective agencies.

When looking at the Phillip Garrido case, and the enormity of the failure of law enforcement in so many ways, it is hard to ignore the role that the psychiatric profession played in these failures. Again and again, Phillip Garrido manipulated the system with the assistance of the psychiatric profession. He tried to claim incompetence during his 1977 trial for the kidnapping and rape of Katie Callaway. Garrido tried to obtain a shorter sentence in 1978 with the assistance of a psychiatrist who was willing to recommend parole. Garrido used that evaluation and others while in prison to assist in getting paroled from Federal and Nevada State prison in 1988. Then, he used his counselors and psychiatric evaluations to hide his actions while on parole from 1988 to 2009. And, then ultimately, Phillip Garrido tried to use the psychiatric professionals once again to claim incompetence during the criminal proceedings in El Dorado County. Far too often, the psychiatrist focuses on what the criminal says (rather than their past actions and conduct) to evaluate their risk for future dangerousness. This runs counter to common sense.

Astonishingly, even in June 2011 when Phillip Garrido was sentenced for his crimes against Jaycee Lee Dugard, he only scored at 3 on the Static-99R Assessment (the state authorized psychiatric assessment tool for sex offenders) which placed Phillip Garrido on the Moderate-Low Risk Category.

Unfortunately, psychiatric evaluations and predictions of future dangerousness play a large part of current lifer parole hearing in California. One must always be reminded that the lifer parolee has already been convicted of committing a horrible crime. There is no presumption of innocence. They are guilty of committing a life crime. Upon review of the current state of the California Parole laws it is painfully clear that the parole review system is also based upon this flawed basic approach to evaluating a criminal's danger to society. The rule is release. Instead of putting the burden on the parolee, the flawed system puts the burden on the parole board to prove dangerousness. And, as part of that flawed process, parole boards overvalue institutional adjustment and psychiatric evaluations, and give little real weight to the circumstances of the offense.

OVERVIEW

On June 10, 1991, Phillip and Nancy Garrido abducted Jaycee Lee Dugard in South Lake Tahoe. On August 26, 2009, 18 years later, Jaycee was finally discovered. Both Phillip and Nancy Garrido were charged with, and ultimately convicted of, kidnapping and rape – sending them both to prison for life. The El Dorado County District Attorney's Office's primary responsibility in this case has been to seek justice for Jaycee and her family through the criminal prosecution of Phillip and Nancy Garrido. However, despite the time passage since Jaycee's discovery in August of 2009, there remain several lingering unanswered questions: How did Phillip Garrido get paroled from a 50 year Federal sentence and a five-to-life Nevada State sentence after only 11 years? How did Phillip Garrido keep Jaycee hidden for 11 years on Federal Parole from 1991 to 1999? And, how did Phillip Garrido keep Jaycee hidden for 10 years on California State Parole from 1999 to 2009?

Had the Phillip and Nancy Garrido case gone to jury trial some of these questions may have been answered. Since the criminal case against Phillip and Nancy Garrido is now over, the El Dorado County District Attorney's Office has determined that certain facts need to be revealed. It is beyond

dispute that the criminal justice system failed Jaycee Lee Dugard, it failed Katie Calloway-Hall, and assuredly failed many of the other countless unknown victims of Phillip Garrido. It is hoped that by revealing some of the glaring oversights in this case, law enforcement as a whole can learn from these mistakes, and we can begin the process of exploring deficiencies in state law and identifying potential legislative solutions to assist law enforcement in the supervision and detection of sexual predators like Phillip Garrido. Often, the best way to improve behavior is to shine the bright light of public scrutiny on government actions.

There is no simple answer to these questions. However, two things are abundantly clear: First, Phillip Garrido is a master manipulator who used his interactions with psychiatric professionals in order to manipulate the system by saying what he needed to say and doing what he needed to do to get paroled after only 11 years and to repeatedly avoid closer scrutiny by his federal and state parole agents. Second, it appears that prison officials, law enforcement, and parole officials all failed to fully evaluate and consider Phillip Garrido's known history, which made most of them unaware that he was a violent sexual predator who had repeatedly raped and kidnapped women. Thus, the ultimate failure of the system and its dealings with Phillip Garrido was the result of (1) a complete over-reliance of the criminal justice system upon the opinions of psychiatric professionals, (2) inefficient and inadequate sharing of information between law enforcement officials (including, but is not limited to, federal and state law enforcement investigators, prosecutors, prison officials and parole agents), and (3) a parole system that gives too much weight to a prisoners institutional adjustment and psychiatric evaluations, and fails to give little real consideration to or ignores entirely the true nature and extent of a prisoner's crimes and prior criminal history.

FEDERAL PRISON CUSTODY

(March 1977 to January 1988)

- On March 11, 1977, Phillip Garrido was sentenced to federal prison for 50 years for the kidnapping of Katie Callaway. Garrido specifically informed the judge at that time that he wanted to go to Federal Prison because they have more psychological services in federal prison.
- May 1977, Phillip Garrido initially committed to USP, McNeil Island, Washington.
- July 1, 1977, Phillip Garrido committed to USP, Leavenworth, Kansas.
- On March 24, 1978, Phillip Garrido makes a motion for reduction in sentence based upon a variety of factors, including a psychological evaluation by a clinical psychologist from April 17, 1978, who states that Garrido has done so well in his year in prison that he recommends modification of the current sentence to indeterminate parole eligibility and "a recommendation that he be paroled" when his treatment and training goals are accomplished. Moreover, the clinical psychologist notes that Garrido's "[p]rognosis for successful transition to the community is considered very good. The likelihood of further extralegal behaviors on Mr. Garrido's part is seen as minimal." Amazingly, this psychologist writes this even though Garrido has three separate kidnapping and rapes and one attempted kidnapping and rape in the six years prior to his report.

- In 1980, Phillip Garrido developed a relationship with a young woman, who (with Garrido's urging) accused her father of sexual assault. During the defense investigation into those rape allegations (later overturned by the State Supreme Court), defense investigators inquired of prison officials whether or not Garrido had taken any courses in hypnosis.
- October 14, 1981, Phillip Garrido marries Nancy Bocanegra.
- September 30, 1983, Phillip Garrido's psychotherapist notes that he has developed self-counseling skills and relaxation skills that should allow Garrido to manage his life in a more appropriate manner.
- October 30, 1985, Phillip Garrido joins a Leavenworth "Psychology Services" 12 week "Social/Coping Skills" treatment group which he successfully completes on January 29, 1986.
- February 14, 1986, Phillip Garrido's psychologist notes that Garrido "does not evidence an ingrained pattern of criminal behavior" and that he may very well be an appropriate candidate for parole. It was further noted that Garrido's crimes were the result of "poor coping skills" rather than from "a desire to harm others."
- March 19, 1986 Phillip Garrido transferred to USP, Lompoc, California.
- November 5, 1987 federal parole hearing, wherein it is noted that: Garrido "has had an outstanding institutional adjustment" and that a USP Lompoc Unit Manager stated that "[h]e believes (Garrido) has accomplished everything that he possibly could within the institution and he believes subject is now ready to return to the community. (He) has such confidence that he would not object to subject residing next door to him as a neighbor in the community."
- Phillip Garrido was paroled from Federal Prison to Nevada State Prison on January 19 1988, after only 11 years on a 50 year sentence. (See Attachment # 8.)

NEVADA STATE PRISON CUSTODY

(January 1988 to August 1988)

- April 11, 1977, sentenced by Nevada State five-to-life for the rape of Katie Calloway.
- On January 22, 1988, (after parole from 50 year federal sentence after less than 11 years) Garrido was transferred to Nevada state prison.
- May 7, 1984, Nevada State Board of Parole denies parole to Phillip Garrido. In this evaluation, the Parole Board checked box A.5. for one of the reasons that parole is denied: "The board finds that you have not reformed to the extent that you can be released without threat to society."
- July 1, 1985, the state of Nevada passed a new law which allowed Garrido to earn good time credits at a much faster rate (10 days per month rather than 10 days per year).
- March 31, 1986, Nevada State Board of Parole denies parole to Phillip Garrido. Less than 2 years since his last parole hearing, the board appears to believe that Garrido has been reformed and that he can be released without threat to society, because they do not check box A.5. as they did on May 7, 1984.
- January 22, 1988, Phillip Garrido is paroled by federal authorities and transferred to Nevada state prison at the Northern Nevada Corrections Center.

- During his time in Nevada state prison, Garrido teaches a "Street Readiness" program and participates in various counseling and group therapy programs.
- June 29, 1988 Garrido evaluated by psychologist who ultimately finds that Phillip Garrido is an above average inmate who is likely to benefit society (i.e. raise a family, work, and not return to criminal behavior). This report becomes part of Garrido's record analyzed by the Board of Parole Commissioners.
- July 1988 Nevada Institution Progress Report only references Garrido's prior marijuana convictions and finds that "Phillip Garrido is a good candidate for parole at this time. He has participated in numerous psychology and drug abuse programs during his incarceration. He has continued his programing efforts by teaching a self-image psychology class to the Street Readiness Program at this institution."
- July 21, 1988, the Nevada state Parole Board (made up of two psychiatric professionals) states that Phillip Garrido can be "certified as not contributing a menace to health, safety and morals of society." (See Attachment # 9.)
- Phillip Garrido was paroled from Nevada state prison on August 26, 1988.

PAROLE BOARD SUPERVISION FAILURES

- Federal and Nevada state prison officials ultimately paroled Phillip Garrido because they did not adequately evaluate how dangerous he really was. Federal and Nevada state prison officials did not properly evaluate how dangerous he was because of their over-reliance upon his institutional adjustment, his psychiatric evaluations, and because they did not fully evaluate and consider facts that were known to law enforcement in 1988.
- At the time of Phillip Garrido's parole from federal and Nevada state prison in 1988, in addition to his 1976 rape of Katie Callaway, law enforcement officials were aware of the following:

 (1) Phillip Garrido was arrested and charged with the rape of a 14 year old in 1972 (In 1976, as part of their investigation into the Katie Calloway-Hall rape and kidnap, FBI officials obtained a copy of the 1972 Antioch rape case, which was dropped because Phillip Garrido's attorney told the victim that he would make her out to be a "whore" and "slut" in court in front of her parents.) Phillip Garrido's March 8, 1977 Pre-Sentencing Report incorrectly stated the allegation as "possible" rape and also incorrectly notes that "further investigation by police officers produced no evidence to continue proceedings on the rape charge.") Phillip Garrido's August 1, 1977, Classification Study by the US DOJ Bureau of Prisons did not mention this case. Phillip Garrido's Nevada state parole board (which states that he is a good candidate for parole) did not reference this crime when they granted parole.

 (2) Phillip Garrido was arrested and charged in El Dorado County with a June 1976 kidnap and rape case out of South Lake Tahoe. (In 1976, as part of their investigation into the Katie Calloway-Hall rape and kidnap, FBI officials obtained a copy of the June 1976 South Lake Tahoe rape case, which was improperly dismissed by El Dorado County District Attorney's Office in September 1977 because of the mistaken belief that Garrido

would serve his life sentence in Nevada, along with his fifty year sentence on Federal charges.) Phillip Garrido's March 8, 1977, Pre-Sentencing Report by United States District Court Probation notes this pending rape and kidnap case. Phillip Garrido's August 1, 1977, Classification Study by the US DOJ Bureau of Prisons incorrectly listed this crime as the kidnapping/rape of Katie Callaway. Phillip Garrido's Nevada state parole board (which states that he is a good candidate for parole) did not reference this crime when they granted parole.

(3) Phillip Garrido had an attempted rape/kidnap of another woman only 1 hour prior to the Katie Calloway-Hall kidnapping. (In 1976, as part of their investigation into the Katie Calloway-Hall rape and kidnap, FBI officials obtained a copy of the November 22, 1976 South Lake Tahoe attempted kidnap/rape case.) Phillip Garrido's March 8, 1977, Pre-Sentencing Report by United States District Court Probation and his August 1, 1977, Classification Study by the US DOJ Bureau of Prisons did not mention this attempted kidnap/rape case. Phillip Garrido's Nevada state parole board (which states that he is a good candidate for parole) did not reference this crime when they granted parole.

(4) Phillip Garrido's admissions at his 1977 jury trial, including: How Garrido masturbated in public places, masturbated while looking into homes of women, masturbated in front of grammar school and high schools, exposed himself to school children, and had rape fantasies. Phillip Garrido's March 8, 1977, Pre-Sentencing Report by United States District Court Probation and his August 1, 1977, Classification Study by the US DOJ Bureau of Prisons did not mention this information. Phillip Garrido's Nevada state parole board (which states that he is a good candidate for parole) did not reference this information when they granted parole.

(5) Katie Callaway's testimony at Phillip Garrido's 1977 trial and statements in the police reports, including: That Garrido used handcuffs to restrain her, that Garrido nearly talked the responding officer into leaving by stating that Callaway was just his girlfriend and they were having a good time, that Garrido had admitted to her that he had abducted two other girls, one from the Bay Area and one from Las Vegas. Phillip Garrido's March 8, 1977 Pre-Sentencing Report by United States District Court Probation and his August 1, 1977 Classification Study by the US DOJ Bureau of Prisons did not mention this information. Phillip Garrido's Nevada state parole board (which states that he is a good candidate for parole) did not reference this information when they granted parole.

- Ultimately, both federal and Nevada state parole boards gave too much weight to Phillip Garrido's institutional adjustment and the psychiatric evaluations concerning his likelihood for future dangerousness, and gave little real consideration (or ignored entirely) the true nature and extent of his 1976 rape and kidnap of Katie Callaway and his known prior criminal history. (For a full analysis of the psychiatric failures in this case, see the "Summary of Failures of the Psychiatric Professionals and Their Flawed Analysis of Phillip Garrido" herein below.)

FEDERAL PAROLE SUPERVISION FAILURES

(August 1988 to May 1999)

On July 7, 2011, United States District Court, Northern District of California, Chief Judge James Ware released a December 10, 2010, Confidential Report of the Administrative Office of the United States Courts on the federal parole supervision of parolee Phillip Garrido. (This report is attached hereto for reference as "Attachment #10.) Given the failures pointed out in the report, it is commendable that Judge Ware released this information to the public. Upon review of this report, it appears to be a fairly accurate and complete analysis of the federal parole supervision of Phillip Garrido – other than a couple of very notable exceptions.

- **Katie Callaway Hall**

 On November 8, 1988 (3 months into Garrido's time at the half-way-house), he is given more freedom by his federal parole officer to go home after work instead of back to halfway house.

 On November 18, 1988, the federal parole agent notes that he was contacted by the victim of Garrido's 1976 kidnapping/rape (Katie Callaway) who states (according to parole records) that she saw him "at her office" on November 8, 1988 at 4-5 pm. Ultimately, it appears the federal parole agent came to the conclusion that it was not Garrido based upon two factors. First, the federal parole agent says he checked time cards at Garrido's job showing that he worked till 3:30 pm and was back at work by 6 pm. And, second, the federal parole agent said that he showed Katie a photo of Garrido and she said person in her "office" was not him. (See Attachment #4 for reference)

 However, these conclusions and statements in the federal parole documents ignore a few important facts, including:

 1. Katie Callaway did not work in an office building. She was a dealer at a casino in Lake Tahoe.
 2. Katie Callaway thought Garrido was serving a 50 year federal sentence and a five-to-life Nevada state sentence, it is not possible that she knew Garrido was even out of prison (let alone, had recently been given new freedoms). The coincidence is so astronomical that Katie Callaway's concerns should have been addressed and taken more seriously.
 3. Katie Callaway was shown a photo of Garrido dressed nicely, with a mustache, hair combed nicely, and taken from a distance, not a photo that would have shown Garrido how he really looked at the time (In reality, in November 1988 Garrido looked more like he did in the video of him playing the guitar in the park then he did in any of his prison photos. Katie Callaway-Hall says that Garrido "looked like he did in the video, not how he did in the photo they showed me.") (See Attachment # 7.)
 4. The federal parole agent does not mention that Katie Callaway said that Garrido walked up to her at her Casino table and said "Hi Katie, I have not had a drink in 11 years."

5. Katie Callaway disputes that the incident occurred on November 8, 1988. She says that it occurred on a Friday right before Thanksgiving –which was November 18, 1988.
6. Further, the federal parole agent failed to conduct any real investigation himself, relying upon someone else to review time cards (which could be easily altered or punched by another person – even if the parole agent had accurately identified the incident date).

All of these facts lead to no other conclusion - the federal parole agent handling Phillip Garrido when he was released from prison was utterly incompetent. It is unbelievable that the parole agent got information on November 18, 1988, that Phillip Garrido had contacted his prior rape/kidnap victim Katie Callaway, right after obtaining new freedoms from the half-way-house, and the very next day on November 19, 1988, nine year old girl Micaela Garecht is abducted – and the Parole Agent does not even bother to subject Phillip Garrido to any scrutiny. One only needs to look at the composite sketch of the suspect in the Micaela Garecht kidnapping and compare it to Garrido's prison booking photo to see a similarity that should have been explored by his parole agent (and the investigators the parole agent failed to notify). (See Attachment # 5) The incompetence of the parole agent is clearly evidenced by reviewing the federal parole records from November 19, 1988, where he notes that "to subject (Phillip Garrido) to electronic monitoring would be too much of a hassle based on the hysteria, or concerns of the victim..." This statement conclusively proves that the federal parole agent's judgment and credibility is far outweighed by Katie Callaway – who should have been believed. Further, the fact that the parole agent makes these asinine comments on the same day that Michaela Garecht is abducted is astounding.

- **<u>Federal Parole Should Have Uncovered the Presence of Jaycee Lee Dugard</u>.**

On page 2 of the December 10, 2010 report by the Administrative Office of the United States Courts makes the unbelievable assertion that , "While the level of federal supervision was clearly substandard, **there is no evidence the federal probation officer would have uncovered the presence of Jaycee Dugard and her children even if the probation officer had conducted a search of the premises.**" Based upon our review of the evidence in this case, nothing could be further from the truth. Had federal probation done their job, then:

1. On October 14, 1988, Garrido's parole should have been revoked when federal parole agent and halfway-house ECI counselor "agreed that subject is considered to be a time bomb."
2. On November 18, 1988, Garrido's parole should have been revoked when he contacted his former rape/kidnapping victim Katie Calloway.
3. On November 19, 1988, Garrido should have become a suspect in the Micaela Garecht case – who was abducted from market in Hayward, CA (only 20 miles south of Garrido halfway house in Oakland).

4. On December 13, 1988, Garrido's parole should have been revoked when Phillip Garrido's clinical psychologist states that Garrido is "like a pot boiling with no outlet valve."
5. On July 18, 1989, Garrido's parole should have been revoked when the parole officer noted that Garrido was taking prescription drugs without a prescription and that "This officer is concerned that subject may be obtaining unprescribed [sic] medications at the nursing home where he is employed."
6. On August 1, 1989, Garrido's parole should have been revoked when his federal parole agent noted that Garrido was "[b]elieved to be self-medicating."
7. On August 25, 1989, Garrido's parole should have been revoked when his federal parole agent noted that Garrido's urine specimen was "almost water."
8. On September 5, 1989, Garrido's parole should have been revoked when his federal parole agent noted that Garrido's urine test results indicate that specimen may have been diluted.
9. On September 20, 1989, Garrido's parole should have been revoked when his federal parole agent noted that "flushing suspected" regarding Garrido urine samples.
10. On September 22, 1989, Garrido's parole should have been revoked when Garrido's urine tested positive for speed.
11. On September 25, 1989, Garrido's parole should have been revoked when Garrido's urine tested positive for methamphetamine. (Federal parole records do not even show this positive test.)
12. On September 26, 1989, Garrido's parole should have been revoked when his federal parole agent noted that he was advised of "charges of sexual harassment" at Garrido's workplace.
13. On September 28, 1989, Garrido's parole should have been revoked when Garrido's employer informed federal parole agent of three incidents where Garrido approached female employees about going out with him. All the females stated that they were very nervous in Garrido's company and all refused his advances.
14. On October 5, 1989, Garrido's parole should have been revoked when Garrido told parole agent he has been "using speed for about a month...and used pot since his release from ECI....admitted flushing."
15. On October 10, 1989, Garrido's parole should have been revoked when Garrido tested positive for speed.
16. On October 13, 1989, Garrido's parole should have been revoked when Garrido tested positive for amphetamines. (Federal parole records do not even show this positive test.)
17. On November 9, 1989, Garrido's parole should have been revoked when Garrido tested positive for methamphetamine. (Federal parole records do not even show this positive test.)
18. On November 13, 1989, Garrido's parole should have been revoked when Garrido tested positive for methamphetamine. (Federal parole records do not even show this positive test.)

19. On January 12, 1990, Garrido's parole should have been revoked when one of Garrido's co-workers at nursing home quit her job "due to Phillip's attention."
20. On February 5, 1990, Garrido's parole should have been revoked when Garrido missed appointment with parole agent.
21. On February 20, 1990, Garrido's parole should have been revoked when Garrido's counselor informed federal parole agent that Garrido's urine test was "watered down."
22. From February 21 to July 10, 1990, federal parole agents should have made contact with Garrido during this 5 month period.
23. On February 26, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
24. On July 5, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
25. On July 20, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
26. On July 26, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
27. On August 6, 1990, Garrido's parole should have been revoked when Garrido tested positive for speed. (Garrido tells his counselor and parole agent that "someone spiked his drink." Garrido's counselor "feels that subj [sic] was telling the truth in his denial of knowingly using drugs.")
28. On August 16, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
29. On August 20, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
30. August 22, 1990, Garrido's parole should have been revoked when Garrido tells federal parole agent that Garrido "did take drugs at the party..."
31. On September 6, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
32. On September 10, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
33. On September 20, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
34. On November 2, 1990, Garrido's parole should have been revoked when federal parole agent was informed that Garrido no longer working at nursing home and that employees have reported that Garrido has contacted them looking for connections to purchase drugs.

35. On October 4, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
36. On January 30, 1991, Garrido's parole agent should have stepped up his supervision of Garrido when he noted that he met with Garrido and that he "did not seem honest. It was almost as if he was putting on an act."
37. On February 15, 1991, Garrido's parole agent should have stepped up his supervision of Garrido when he noted that he met with Garrido and his wife stating, "This is a strange couple. I have an uneasy feeling with this guy. Everything he says seems to be an act."
38. May 15, 1991, the Garrido parole agent visited the Garrido's recording studio, noting "[t]hey took me on a tour of the place, showing his cording [sic] studio which although small is very well equipped." (Note: this is the same recording studio that Garrido used to lock up Jaycee Dugard for over a year.)
39. On June 10, 1991, Garrido parole agent should have notified South Lake Tahoe investigators and the FBI that his parolee Phillip Garrido is a repeat kidnapper and rapist with several prior victims in South Lake Tahoe.
40. On December 13, 1991, when conducting a very brief home visit of the Garrido residence, should have conducted a search of the residence including the recording studio which he had seen back on his May 15, 1991, visit. Further, the federal parole agent should also have questioned Garrido as to why the kidnap car (parked at the Garrido residence from June 10, 1991 until August 2009) was not listed as one of Garrido's vehicles on the "Supervision Report" filled out by Garrido on a monthly basis.
41. On February 10, 1993, Garrido's parole should have been revoked when Garrido failed to show up for appointment with parole agent.
42. April 1, 1993, Phillip Garrido is arrested for violation of parole.
43. On April 14, 1993, federal parole agent sends recommendation to US District Court that the parole revocation charges against Mr. Garrido are "basically technical violations" and that Garrido's recent incarceration has "had a powerful and positive impact" on him. Moreover, the federal parole agent recommended "that the parolee be released back to the community at the earliest possible time, and place on electronic monitoring as an appropriate sanction." (See Attachment #11)
44. On April 30, 1993, Phillip Garrido was released from his one month in custody. Within less than one week of his release from custody, Phillip and Nancy Garrido videotaped a young 5 year old girl in the back of their van. Nancy Garrido admitted that the taping was done for Phillip Garrido's sexual needs and admitted that several other girls had also been in the back of their van. (See digital media Attachment # 12 re park video, van video and portions of Nancy Garrido interview.)
45. On July 28, 1993, Garrido's parole should have been revoked when his federal parole agent notes that Garrido provided a "cold and appeared to be altered sample" for his drug test. Agent also notes in pertinent part that Garrido "may be using illegal substance as well.... Potential danger in the community is high."

46. On August 11, 1993, Garrido's parole should have been violated when his federal parole agent informed that Garrido had a positive test for methamphetamine from his July test. The parole agent notes that he needs to "review the subject's drug aftercare condition and see if the defendant has tested positively previously." (The agent should have easily noted that here were at least 11 prior instances of either positive tests, illegal use of prescription drugs, or attempts to alter tests by flushing or watering down. And, Garrido admitted in 1989 to using marijuana since his release, using speed, and flushing.)
47. From September 11, 1993 to March 10, 1994, Garrido's federal parole agent should have contacted Garrido during this 6 month period.
48. On March 16, 1994, Garrido's federal parole agent should not have reported that, "There have been no problems reported since August 1993..." (As it is hard to find problems with Garrido's conduct if you have had no contact with Garrido for past 6 months.)
49. July 29, 1994, the supervisor of Garrido's federal parole agent should have reviewed the file more closely to see that the parole agent was not doing a good job. If the supervisor had been doing her job then she would not have noted, "Good job for P.O. in monitoring Defendant and treatment. Tough case!" (Only one month later, 14 year old Jaycee Lee Dugard gave birth to first child fathered by Garrido.)
50. May 4, 1995, the parole agent conducted the first home visit of Phillip Garrido in over 3 and a half years. Had the federal parole agents been doing their job and searching the residence (and the recording studio they were aware of) then they would have found Jaycee Lee Dugard imprisoned in the back yard.
51. On September 25, 1995, federal parole agent should not have relied upon Garrido counselor who stated that she does not feel that Garrido is a danger to society and that he no longer needs her counseling services.
52. From November 13, 1996 to May 29 1996, Garrido federal parole agent should have contacted Garrido during this 6 month period.
53. On May 30, 1997, federal parole agent conducts the first home visit in over 1 ½ years. Had the federal parole agents been doing their job and searching the residence (and the recording studio they were aware of), then they would have found Jaycee Lee Dugard imprisoned in the back yard, pregnant with her 2nd child.
54. From May 31, 1997 to November 15, 1998, Garrido federal parole agent should have contacted Garrido during this 5 month period.
55. On November 16, 1997, federal parole agent should not have relied upon Garrido psychiatrist who stated that he has been treating Garrido since September 1993 and that Garrido's "prognosis is excellent.... I do not suspect he will ever be at risk for violence. ." (On November 13, 1997, 17 year old Jaycee Lee Dugard gave birth to her second child fathered by Garrido.)
56. From November 17, 1997 to August 26, 1998, Garrido federal parole agent should have contacted Garrido during this 9 month period.

57. On November 17, 1998, Garrido federal parole agents should have searched the Garrido residence to look for the Antioch kidnapping/murder victim, 15 year old Lisa Norrell.
58. From November 19 to May 3, 1999, Garrido federal parole agent should have contacted Garrido during this 5 month period.
59. On May 3, 1999, federal parole agent should not have terminated Garrido's parole supervision, and federal parole agents should have conducted more than 10 home visits in 11 years of federal parole supervision.

NEVADA PAROLE

The State of Nevada Division of Parole and Probation never directly supervised Phillip Garrido. Over the years, they received updates on Garrido's status while in federal prison, status while on federal parole, and status updates while on CDCR parole supervision. When Phillip Garrido's federal parole supervision ended in 1999, and prior to CDCR parole supervision (there was about a 3 month lapse), he tried to convince Nevada State parole to end supervision and parole altogether. Garrido sent them a letter and included his glowing 1997 evaluation and prognosis from one of his psychiatrists. It is clear that from Nevada state parole's perspective Garrido had "positive parole performance" and that he "has managed to change his behavior. (See Attachment #13 for reference.)

CDCR PAROLE SUPERVISION

(May 1999 to August 2009)

In November 2009, the California Office of Inspector General prepared a special report on the California Department of Corrections and Rehabilitation's Supervision of Parolee Phillip Garrido. (This report is attached hereto for reference as "Attachment #14.) Upon review of this report, it appears to be a fairly accurate and complete analysis of the CDCR parole supervision of Phillip Garrido. (A video of a CDCR parole agent conducting a search of the Garrido residence in 2008 was previously released by the El Dorado County District Attorney's Office and is attached to this report as Attachment #12)

SUMMARY OF FAILURES OF THE PSYCHIATRICT PROFESSIONALS

AND THEIR FLAWED ANALYSIS OF PHILLIP GARRIDO

- During Phillip Garrido's 1977 jury trial for the kidnapping and rape of Katie Callaway, psychiatrist Charles Kuhn testified, on Garrido's behalf, that he thought Garrido "did not have adequate control to conform his behavior" and that because of a mental disease or defect he lacked the substantial capacity to conform his conduct to the requirements of the law. If the jury had believed this testimony, it would have meant that Garrido would have been legally insane and he would not have been sentenced to prison at all. Dr. Kuhn claimed that Garrido suffered from "impulse neurosis" and a mental disorder of "sexual perversion." Shockingly, Dr. Kuhn stated that the other bad acts by Garrido, specifically including the attempted kidnap and rape one hour prior, would have no influence over his opinions whatsoever.

- Only one year after being sentenced to 50 years in Federal Court and five-to-life in Nevada State Court, Garrido was evaluated by Dr. J.B. Kiehlbauch who was clearly very impressed by Garrido. (See Attachment #2 for reference). The report of Dr. Kiehlbauch was part of a 1978 motion by Garrido to reduce his prison sentence. Garrido included a handwritten letter to the Court, stating: "In 1969 marijuana was reaching out to the rural area in Calif." (note that it is the drugs coming to Garrido and not the other way around); "The drugs would bring more asocation [sic] and in turn more contact with drugs" (once again it is the drugs that made him do more drugs, not his choice or his fault); "Slowly it began to take me to another style of living and thinking" (it, the drugs, took him – not his fault...not his choice); "On my own I have been seeing Dr. Kiehlbauch of Men. Health... In all respects my life has changed... Drugs have been my down fall. ... But my future is now in control" (This is the classic manipulation by Garrido – say the right things, blame the drugs, then says that his life has changed.) In Dr. Kiehlbauch's report, he noted: "Highly significant is Mr. Garrido's record of accomplishment in training, education, and treatment since his arrival here in September 1977. ... The incomplete Sentences Test reflects Mr. Garrido as a sensitive young man who is deeply committed religiously and goal oriented in management of life problems and aims. ... all indications are that he is conducting his affairs in accord with the principles implied therein. ... (he) appears to have reoriented his life dramatically from the derogatory pattern which characterized him earlier. ...he has been able to sublimate impulses quit well, and depth of control is sufficient to sustain him here or in the free societal situation. ... All things considered, then, this examiner recommends... a recommendation that he be paroled..." Dr. Kiehbauch's recommended parole for Phillip Garrido after only one year in prison is the perfect example of why psychiatrist opinions should be permanently devalued (or eliminated entirely) in the criminal justice system. This report becomes part of Garrido's record analyzed by the Board of Parole Commissioners.
- February 14, 1986, psychological evaluation notes that "Mr. Garrido does not evidence ingrained pattern of criminal behavior nor is he presently displaying signs of serious emotional disorder. His past criminal activity appears to have derived more from poor coping skills and associated drug involvement rather than from a desire to harm others." (I am sure all of Garrido's past victims would strongly disagree that his rape and kidnap of them was due to poor coping skills.) It was also stated, less than 9 years into prison sentence, that "...Mr. Garrido may very well be an appropriate candidate for parole. This report becomes part of Garrido's record analyzed by the Board of Parole Commissioners.
- June 29, 1988, Garrido was evaluated by psychologist who ultimately finds that Phillip Garrido is an above average inmate who is likely to benefit society (i.e. raise a family, work, and not return to criminal behavior). This report becomes part of Garrido record analyzed the Board of Parole Commissioners.
- July 1988, Nevada Institution Progress Report only references Garrido's prior marijuana convictions and finds that "Phillip Garrido is a good candidate for parole at this time. He has participated in numerous psychology and drug abuse programs during his incarceration. He has continued his programing efforts by teaching a self-image psychology class to the Street Readiness Program at this institution."

- July 21, 1988, the Nevada Parole Board (made up of two psychiatric professionals) states that Phillip Garrido can be "certified as not contributing a menace to health, safety and morals of society."
- March 1989 until September 1995, Garrido sees the same marriage and family counselor, up to eight times a month for over six years. Garrido continues to see this counselor, who repeatedly makes excuses for his drug use and behavior and provides a multitude of ongoing positive evaluations for years after the June 1991 kidnapping and imprisonment of Jaycee Lee Dugard.
- October 1989, psychological report notes that Garrido "could easily be mistaken, at first glance, for a Contra Costa County yuppie."
- June 7, and June 14, 1991, (right before and after the kidnapping of Jaycee Lee Dugard) counselor notes that Garrido's relationship with his wife is becoming more balanced in a way that is satisfying to both Garrido and his spouse.
- July 1991, Garrido has three meetings with his counselor, who states that Garrido's relationship with his wife "is growing and changing in a healthy manner."
- September 1991, three meetings with counselor who states that Garrido is doing well and appears stable.
- October 1991, three meetings with counselor who states that Garrido appears stable and general prognosis can be considered good.
- November 1991, two meetings with counselor who states that Garrido continues to do well.
- December 1991, meeting with counselor who states that Garrido continues to do well.
- January 1991, meeting with counselor who states that Garrido appears fairly stable at this point in time.
- February 1992, two meetings with counselor who states that Garrido's relationship with his wife seems stable.
- April 30, 1993, meeting with counselor who notes that Garrido's "[p]rognosis for remaining crime free continues to be good." (Less than one week later, Phillip and Nancy Garrido videotape a young 5-year-old girl in the back of their van. Nancy Garrido admitted that the taping was done for Phillip Garrido's sexual needs and admitted that several other girls had also been in the back of their van on other occasions.) (See Attachment # 12.)
- September 1993, Garrido begins sessions with another psychologist who he continues to see for 16 years until 2009, who gave a multitude of ongoing positive evaluations for years during the imprisonment of Jaycee Lee Dugard.
- October 1993, five meetings with counselor who states that Garrido's "prognosis is good."
- November 1993, four meetings with counselor who states that Garrido's "Relationship and home environment are stable... Prognosis is good."
- December 1993, four meetings with counselor who states that Garrido's relationship with his wife "remains supportive and strong... Prognosis is good."
- January 1994, four meetings with counselor who states that Garrido "appears to be doing well..."
- February 1994, three meetings with counselor who states that Garrido "had a fairly stable month."

- March 1994, four meetings with counselor who states that Garrido "continues to do well... No desire seems evident nor has there been any indication of use for approximately one year." (It was later learned that Phillip Garrido would wear a fake penis and use warm Mountain Dew to fool the urine tests conducted with this counselor.)
- April 1994, five meetings with counselor who states that Garrido "prognosis is good."
- May 1994, four meetings with counselor who states that Garrido "[c]ontinues to look good and appears to be stable at this time...Prognosis is good."
- June 1994, four meetings with counselor who states that Garrido's "[p]rognosis is good."
- July 1994, four meetings with counselor who states that Garrido "continues to make slow steady improvement...Prognosis is good."
- August 1994, four meetings with counselor who states that Garrido "appears to be generally doing well." (This is the month that 14 year old Jaycee Lee Dugard gave birth to first child fathered by Garrido.)
- September 1994, four meetings with counselor who states that Garrido "continues to do well...Prognosis remains good."
- October 1994, three meetings with counselor who states that "client is looking very stable... Prognosis is good."
- November 1994, two meetings with counselor who states that Garrido "appears stable...clients behavior has changed in a positive and clearly demonstrable way over the past couple of months...Prognosis is good."
- December 1994, two meetings with counselor who states that Garrido "was clearly stable...Prognosis is good."
- January 1995, three meetings with counselor who states that Garrido "[p]rognosis is good."
- February 1995, one meeting with counselor who states that Garrido "continues to appear stable at this time."
- March 1995, three meetings with counselor who states that Garrido "continues to do well...appears stable...Prognosis remains good."
- April 1995, one meeting with counselor who states that Garrido "continues to be functioning in a stable manner...Prognosis is good."
- March 1995, three meeting with counselor who states that Garrido "continues to do well...Relationship (with wife) remains strong and stable."
- June 1995, two meetings with counselor who states that Garrido "continues to do well... Prognosis is good."
- July 1995, two meetings with counselor who states that Garrido "clearly appears more stable at this time... Recommend decreasing sessions to one time per month."
- August 1995, one meeting with counselor who states that Garrido "appears stable...[r]elationship continues to be strong... [r]ecommend one additional session over the next month leading to treatment termination. Prognosis can be considered to be good."
- September 1995, one meeting with counselor who states "[g]iven clients length of time in treatment, prognosis for long-term progress can be considered good."

- November 13, 1997, Garrido psychiatrist (who he saw from 1993 to 2009) states that Garrido's "response to treatment is excellent. His prognosis is excellent... I do not suspect he will ever be at risk for violence." (Coincidentally, on November 13, 1997, 17 year old Jaycee Lee Dugard gave birth to her second child fathered by Garrido.) This report by the psychiatrist on November 13, 1997, appears to be one of the reasons that Garrido was released off Federal Parole in 1999. This psychiatrist continued to see Garrido for the next 12 years, giving him positive reports and never having a clue that Garrido had Jaycee Lee Dugard and her two children imprisoned in the back yard.
- On September 25, 2010, counsel for Defendant Phillip Garrido declared a doubt as to her client's competency and El Dorado County Superior Court, Department 7, suspended proceedings. This declaration of doubt was based in part upon a psychiatrist evaluation that Phillip Garrido was incompetent (that he did not understand the nature of the proceedings and could not assist his counsel in his own defense.) This psychiatric opinion that Garrido was incompetent, showed that even in 2010 Garrido could still manipulate the system and manipulate (at least some) in the psychiatric profession. The psychiatrist's opinion asserting Garrido was incompetent did not change even though he was made aware of the following information which was provided to him by the El Dorado County District Attorney's Office:

 1. The psychiatrist was provided information about the fact that when the Garrido home was searched in August of 2009, they found a 2005 newspaper article detailing the Elizabeth Smart kidnapper's recent declaration of a doubt. This clearly showed Garrido's plan to manipulate the legal system. (See Attachment # 15.)
 2. The psychiatrist was provided information about Garrido's 1972 rape and kidnap case, the June 1976 rape and kidnap case, the November 1976 attempted rape and kidnap case, and all the details of the November 1976 kidnap and rape of Katie Callaway-Hall.
 3. The psychiatrist was provided information about Garrido's 1977 trial for the rape and kidnap of Katie Calloway and all the information about his attempted manipulation of the system in that case.
 4. The psychiatrist was provided all relevant records regarding Phillip Garrido's prior Federal prison term, federal parole supervision, CDCR parole supervision, and every psychiatric report available to the prosecution regarding Phillip Garrido.
 5. The psychiatrist was also provided information that while serving his prison term, Defendant Phillip Garrido learned about the teachings of psycho-cybernetics, (which appeared oddly similar to Garrido's recent writings), as well as a book on psycho-cybernetics highlighted by Phillip Garrido.
 6. The psychiatrist was also provided information that the El Dorado County Jail employees stated that they all believe that Defendant Garrido is "putting on an act."
 7. The psychiatrist was also provided information about a handwritten note from Defendant Nancy Garrido that states an apparent four part plan that includes clarification of "how they rape Allissa"...and to "[l]ay out case of schizophrenia."

Nevertheless, even after all of this information was provided to the psychiatrist, Garrido was still able to fool him and appear incompetent. Again and again and again Phillip Garrido manipulated the legal system and the psychiatric professionals within that system. Many times, the psychiatric evaluations are flawed because they are not objective and rely upon the words and conduct of a prisoner who has a motive to lie. The oversight of the psychiatrist and manipulation by Garrido are just examples of the limits of psychiatry in the criminal justice system. Far too often, these psychiatric reports are taken as gospel, and overly relied upon by parole boards (and many others in the criminal justice system). Phillip Garrido is just one glaring example.

SUGGESTED CHANGES

THE CURRENT STATE OF THE LAW

PAROLE SUITABILITY HEARINGS FOR PRISONERS SENTENCED TO LIFE

TODAY: THE RULE IS RELEASE

Currently, Penal Code section 3041(b) requires that the Board of Parole Hearings "**shall set a release date unless** it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual." (Emphasis added.) The Board of Parole Hearings [hereinafter "board"] considers factors laid out in Title 15 Cal. Code Reg. section 2402 in making the determination of the prisoner's suitability for parole. However, the courts have established that "release on parole is the rule, rather than the exception. (*In re Rodriguez* (2011) 193 Cal.App.4th 85, 92, citing *In re Lawrence* (2008) 44 Cal.4th 1181, 1204.)

Section 2402, subdivision (a) of the Cal. Code of Regulations specifically provides that the panel "shall" first determine whether the prisoner is suitable for parole, but notes that a prisoner shall be found unsuitable for parole if the panel finds that the prisoner would pose an unreasonable risk of danger to society if released on parole. Section 2404, subdivision (b) lists information that may be considered by the board in reaching its decision, including in pertinent part: "shall include the circumstances of the prisoner's social history; past and present mental state; past criminal history, including involvement in other criminal misconduct which is reliably documented; the base and other commitment offenses, including behavior before, during and after the crime; past and present attitude toward the crime; any conditions of treatment or control, including the use of special conditions under which the prisoner may safely be released to the community; and any other information which bears on the prisoner's suitability for release." Subsection (c) of Section 2402 provide in relevant part the circumstances that the board may consider that would tend to demonstrate that a prisoner was unsuitable for parole, including the commitment offense.

Although the language in section 2402, subdivisions (b) and (c) lists the commitment offense as a factor to be considered in the determination of parole suitability, the courts have interpreted how the board may consider it in reaching its decision on suitability. In August 2008, the California Supreme Court decided *In re Lawrence*, supra, 44 Cal.4th 1181. In the *Lawrence* case the court restricted the

board's ability to consider the commitment offense by finding that the Board **may not base a parole denial solely upon the circumstances of the offense**, or other immutable facts, unless those facts support the ultimate conclusion that the inmate continues to pose an unreasonable risk of safety if released on parole. (*Id.* at p. 1221.)

Notwithstanding this rather detailed statutory and regulatory framework, parole release decisions are essentially discretionary. The decision is the Board's attempt to predict, by subjective analysis, the inmate's suitability for release on parole. (*In re Criscione* (2009) 180 Cal.App.4th 1446, 1457, *citing In re Rosenkrantz* (2002) 29 Cal.4th 616, 655.) Such a prediction requires analysis of individualized factors on a case-by-case basis and the Board's discretion in that regard is almost unlimited. (*Ibid.*)

The discretionary nature of parole hearings, coupled with the Courts' restrictions on the consideration of the commitment offense, has on numerous occasions resulted in the release of an inmate who still posed a danger to society and who should have remained incarcerated.

SUGGESTED CHANGES TO THE PAROLE SUITABLILTY REGULATIONS

THE RULE SHOULD NOT BE RELEASE

THE RULE SHOULD BE TO PROTECT THE PUBLIC

In an effort to prevent the further release of life prisoners who still pose an unreasonable risk to the safety of the public, changes must be made to the statutes and regulations governing these parole suitability hearings. These changes are necessary to protect the public and continue to provide justice to the victims of the crimes for which these prisoners were given a life sentence. The rule is release – and, this rule must change.

Since the *Lawrence* ruling in 2008, the number of parole grants from 2008 to 2010 is more than all the parole grants from 1980 to 2004. Astonishingly, over the last 32 years, 42% of all parole grants have occurred since 2008 (See Attachment #16.)

To begin with, the language in Penal Code section 3041, subdivision (b) currently provides that a prisoner shall be granted parole, unless it can be shown that public safety requires a lengthier sentence. This presumption for parole creates the first misstep in the protection of the public. The prisoner has been sentenced to a life term, but given a possibility for parole. This does not provide a right to parole, but merely an opportunity. As such, it follows that the presumption would be for a life sentence, unless the prisoner can demonstrate that public safety will not be affected by his or her early release. This places the burden on the prisoner to show why release is appropriate, rather than on the victims and the People of the State of California to once again show why this individual is dangerous to the public.

In addition, the language in the statutes and regulations should once again direct the board to consider the commitment offense itself in determining the suitability for parole. In the aftermath of *In re Lawrence, supra,* 44 Cal.4th 1181, the court has repeatedly held that the "immutable" facts of the commitment offense are not appropriate to consider unless used in determining current dangerousness.

However, what could be a more appropriate consideration for future dangerousness to the public than looking at what an individual has already done while out in society. Instead, the court directs the board to look at the prisoner's institutional behavior; behavior which has no bearing on how a prisoner will behave outside the highly structured and regulated prison walls. To correct this error, the language in section 2402 should reflect the unequal significance of these two factors. A board should be allowed to give more weight to the demonstrated behavior in the society to which the prisoner will be returned, rather than that behavior in prison that has been constantly monitored, regulated and structured.

Further, the board should be directed not to continue to utilize the prisoner's own version of the commitment offense as the "facts" of what occurred for the life crime. The board must be directed to utilize a reliable source such as police reports or probation officer reports. Currently it is the inmate's version that is read and re-read into the record and considered to be a reliable representation of the commitment offense. These versions are seldom reliable and often self-serving. Moreover, the official record should consider and reflect the multiple versions that the inmate has given throughout the parole hearings held.

Finally, the board currently considers the past and present mental state of the prisoner. In most cases this is received in the form of psychiatric evaluations done periodically with the prisoner. Most evaluations are approximately an hour in length and assess the potential risk for future dangerousness. The board often places substantial weight on these evaluations. However, this substantial weight is misplaced. Much of the evaluation is based on the prisoner's own version of the commitment offense and upon the prisoner's self-reported history. Again, these are more often than not unreliable. Instead, the board must be directed to give these evaluations less weight than the commitment offense, because again the most reliable prediction of the future behavior of the inmate is that which brought them to prison. Should these psychiatric evaluations continue to be conducted, however, they should be given less weight in determining parole suitability than more reliable determination of behavior, such as the commitment offense.

CONCLUSIONS

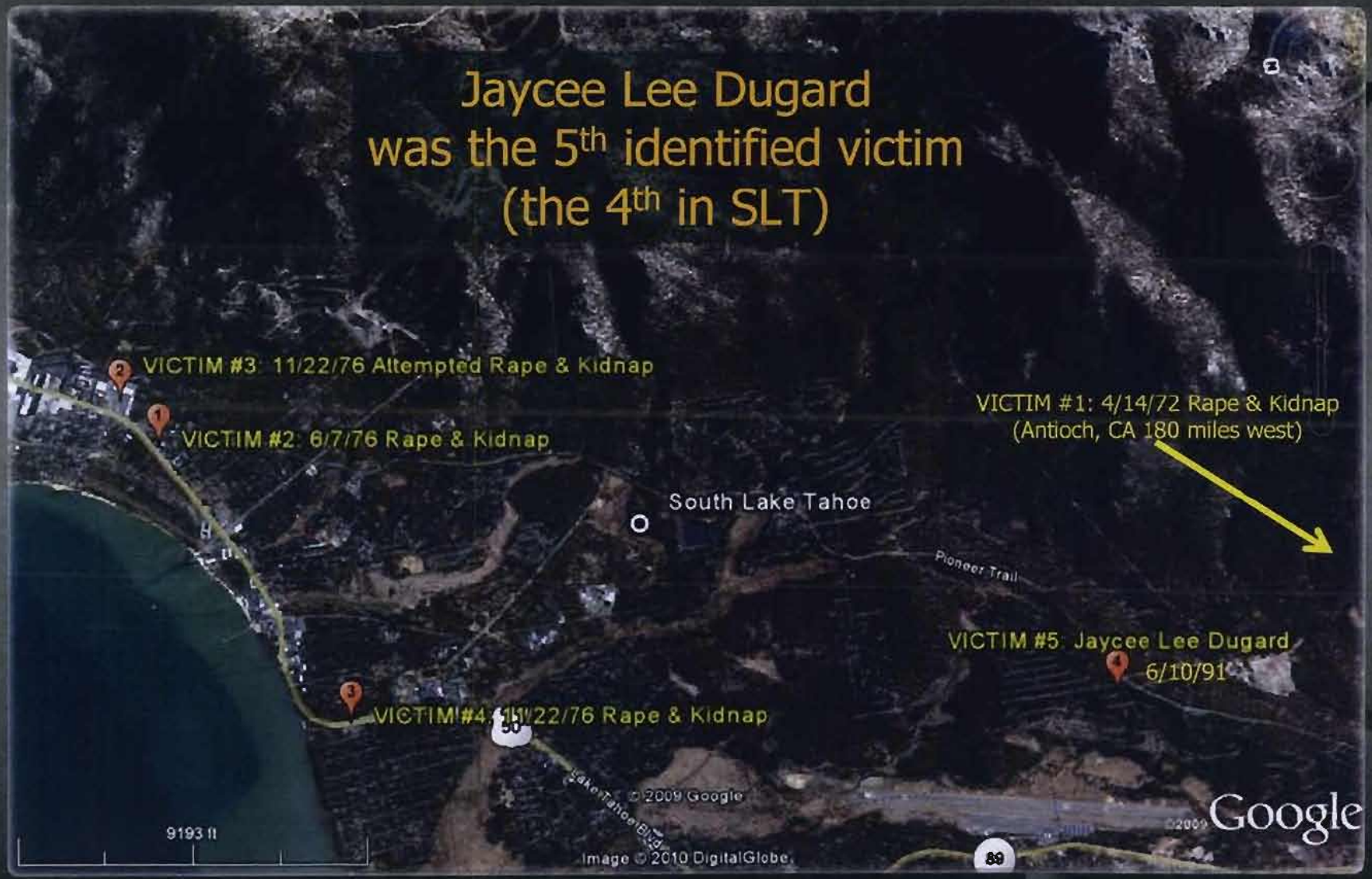
The Phillip Garrido case exposed many of the problems and failures of law enforcement. It would be easy to try to ignore these failures and problems as just an example of one bad, unfortunate situation. But, one must remember that up until August 25, 2009, Phillip Garrido a complete success story of a reformed criminal. His case has exposed many of the problems in the criminal justice system. Fortunately, there have been many significant and important changes in the law that have provided a major step in the direction necessary to correct the mistakes that were so evident with the Phillip Garrido case. And, as noted above, both federal and state parole have each stated an interest and commitment to making fundamental changes in their respective parole supervision systems.

The El Dorado County District Attorney's Office, along with the El Dorado County Sheriff's Office, has made every effort to obtain an accurate picture of Phillip Garrido and have found mountains of evidence to prove that he is a dangerous sexual predator. The crimes committed by Phillip Garrido against known victims are extensive. But, we have to ask ourselves - what is the likelihood that law

enforcement caught Garrido in the only five kidnap and rape crimes/attempts he has ever committed? In his interview with El Dorado County Sheriff's Detectives Phillip Garrido alluded to many additional crimes that may never be solved. The terrifying reality is that we are only looking at the tip of the iceberg with Phillip Garrido.

Even though some fundamental reforms have already been instituted, it is clear that more changes need to be made. The fact is that under the current system, a criminal like Phillip Garrido would still be evaluated by a dysfunctional process that could lead to his release. If Phillip Garrido faced parole under the California Parole system today, they would evaluate him under a flawed system that: (1) Puts the burden upon the parole board to prove dangerousness; (2) overvalues institutional adjustment and psychiatric evaluations; and, (3) gives little real consideration or weight to the circumstances of the offense and the inmate's reliable past criminal history. Garrido would be evaluated under a system that even in 2011 still rated him a "Moderate-Low" risk category, even after he kidnapped and imprisoned an 11 year old girl for 18 years. Today, the rule is release. That rule needs to be changed. Protection of society should be the rule. Modification of the parole review process is the first step of many that needs to be taken to ensure that our society is protected from sexual predators like Phillip Garrido and other violent criminals like him.

ATTACHMENT # 1


Jaycee Lee Dugard
was the 5th identified victim
(the 4th in SLT)
VICTIM #3: 11/22/76 Attempted Rape & Kidnap
VICTIM #2: 6/7/76 Rape & Kidnap
VICTIM #1: 4/14/72 Rape & Kidnap
(Antioch, CA 180 miles west)
South Lake Tahoe
Pioneer Trail
VICTIM #5: Jaycee Lee Dugard
6/10/91
VICTIM #4: 11/22/76 Rape & Kidnap
50
Lake Tahoe Blvd
© 2009 Google
9193 ft
Image © 2010 DigitalGlobe
89
Google

ATTACHMENT # 2

Honorable. Bruce R Thompson

When living at home and going to school, my life was free from the influences of drugs. I had been raised in the country and lived in a very clean home. I was the baby of the family and spoiled in the long run.

In 1969 marijuana was reaching out to the rural area in Calif. From that point on my life was slowly changing. The drugs would bring more asocation and in turn more contact with drugs. It wasnt long before a few months pasted and L.S.D. had become a part of my life.

Slowly it began to take me to another style of living and thinking, in the long run I lost much of my reasoning powers. Seven years of using made me fall from reality.

On my own I have been seeing Dr Kiehlbauch of Men. Health. We have private one hour sessions, In which we have progressed very well.

At this time I have started and finished high school in order to prepare for college.

I have been working at the carpenter shop as I desire to learn the trade. So I have inrolled in an apprentice carpentry program lasting four years. Along with that I inrolled in drafting school as I felt it was a very important part of carpentry.

This summer I start college. After my four years of drafting and carpentry I plan on a two year computer course.

I have set my goals and find myself well on my way. It shall take seven years of schooling

to complet these courses.

In all respects my life has changed. Of course that is because I wanted to, knowing this is my chance to get my life in line. Drugs have been my down fall. I am so ashamed of my past. But my future is now in controle.

If I may please, all I ask is to be given the chance. By writing and asking for a report on me from Dr Hiehlbauch and all departments would be giving me the fairest examination I could hope for.

Sincerely

Phillip C Garrido

PSYCHOLOGICAL EVALUATION

GARRIDO, Phillip Reg. No. 36377-136 04-17-78

REFERRAL: Mr. Garrido is referred for psychological assessment by Assistant United States Attorney Leland E. Lutfy, in connection with a motion for reduction of sentence currently under consideration. The request is made in behalf of United States District Judge Thompson, of the District of Nevada, and no specific referral question is asked.

HISTORY AND BEHAVIORAL OBSERVATIONS: Mr. Garrido presents in the interview situation as an adequately nourished and pleasant appearing 27 year old Caucasian male who looks his stated age. He is verbal from the outset of contact, being known to this examiner in a treatment situation since September, 1977. He is cooperative, candid, and volunteers information readily, even if self-critical, over all the contacts held in this evaluative process. Somatic complaints are denied, and Mr. Garrido follows a very active work and leisure activities schedule and seems quite healthy in his interests.

History is as reported elsewhere, so does not bear repetition here. Significant is that since his seventeenth year and prior to the instant offense, Mr. Garrido was extensively involved in the use of hallucinogenic and psychotomimetic drugs, and, to a lesser extent, the subculture that evolves around persons of that orientation. The only two arrests in his history which preceeded the instant offense were drug related and involved jail time and probationary dispositions. There is currently an active detainer from Nevada for the included offense of Forcible Rape in the instant matter.

Mr. Garrido is the product of a prosocial middle class family, now broken, from which he inculcated generally appropriate values, though he describes himself as over-condoned and pampered by his parents. A high school graduate, he has had no military service or work record of consequence, describing himself as a "semi-professional musician". There is a current marriage of unknown prospect, and no children have resulted from it. One brother from the family has encountered no difficulties with law enforcement.

Highly significant is Mr. Garrido's record of accomplishment in training, education, and treatment since his arrival here in September, 1977. He has achieved conspicuously in educational self-development, on-the-job training in carpentry, and in a drafting vocational training course which is current. He has become active in the group of inmates participating in Jehovah's Witness religious ceremonies, and impresses as very absorbed in their doctrine and behavioral proscriptions. He has been regular, active, and highly productive in psychological treatment which, in light of the length of his current sentence, has been addressed toward developing basic personality strengths, resolving immediate conflict areas, and familiarizing him with the significance of his lifestyle patterns. He is acutely conscientious in the excercise of all activity areas; his prime concern at the instant series of testing contacts was that he was taking a very great deal of time away from his work detail responsibilities, so inconveniencing his supervisor.

The only current sequel to the prolonged and extensive drug use noted is a series of "flashback" experiences involving feelings of depersonalization and mild hallucinations. These are diminishing both in frequency and severity over time, and any organic effects which resulted from the drug use seem to be in a positive reversal process. The instant interviews reveal no indication of a functionally psychotic state, past or current, or of debilitating organic syndrome activity.

TESTS ADMINISTERED: The Wechsler Adult Intelligence Scale, Minnesota Multiphasic Personality Inventory, Bender Motor Gestalt Test, Rotter Incomplete Sentences Blank, Thematic Apperception Test, Rorschach Psychodiagnostic Instrument, and Mental Status Examination.

TEST RESULTS: Testing reveals an intelligence quotient at the upper end of the average range (numerically, 110) for Mr. Garrido. This impresses as consistent with his verbalizations and mannerisms, though it seems likely that his functional intelligence is progressively improving with his recovery from drug effects and with progression in educational pursuits.

The Minnesota Multiphasic Personality Inventory shows all clinical scales within normal limits (two standard deviations beyond the mean) for Mr. Garrido. The validity scales show an elevation on L (lie scale), items from which were specifically discussed with him and reconciled satisfactorily for their significance to him. In addition, 12 omissions in the protocol were discussed and their significance resolved in such a fashion as to reflect not only a healthy outcome, but a comparatively healthy approach to the overall testing circumstance.

The Bender Motor Gestalt Test, administered due to presumptive organicity, produces a non-remarkable outcome from the standpoint of the likelihood of organic brain syndrome activity. Considerable dependency was reflected in this testing approach with the psychology intern administrator, and direction of activity and approval seeking behaviors were a strongly recurrent phenomena. The protocol reflected careful attention to detail and manner of presentation without significant derogatory indicators.

The Incomplete Sentences Test reflects Mr. Garrido as a sensitive young man who is deeply committed religiously and goal oriented in management of life problems and aims. Suggested is a driven quality to his commitment, that is, when he commits to a cause or purpose, he tends to approach it with extreme zeal and diligence, so might appear personally rigid or even compulsive in many of his pursuits. Appropriate degrees of secondary narcisism and considerable conflict with regard to his current marital situation are also clear in the responses to items.

The Thematic Apperception Test buttresses these observations, reflecting a strong identification with stimuli, heavy reliance on symbolic aspects of the pictured situations presented, and an active imagination but tentative approach to story construction. Invitations to hostile interpretation were avoided or dealt with secondarily by Mr. Garrido, reflecting his characteristic tendency to exercise the defenses of denial and negation in areas of hostile sensation or expression. Even with those items that impacted him emotionally, he showed a good ability to reconstitute and reconstrue situations so as to make them palatable in expression

for himself. The depth of his religious commitment and its impact on his life philosophy are clear in the protocol developed, and his style of dealing with these phenomena is, on balance, quite healthy.

The Rorschach performance produces a 22-response protocol with characteristically low latencies that reflect a positive test taking approach and performance. Responses are essentially form determined (97%) and follow a characteristic progression from whole through large to rare detail in perception and reporting. Secondary identification of percepts is accurate and positive, and a portion of animal responses less than 30% suggests an active imagination and good reality testing capabilities. Somewhat less movement than expected is observed; his level of functional intelligence is underestimated from this protocol. The arousal quality of color cards is evident for him, 45% of responses made being to full color presentations. Nonetheless, responses even to those cards are essentially form determined and appropriate in content, suggesting a non-remarkable ability to handle usual arousal situations. Content analysis suggests an appropriately emotional response to the conflict areas noted heretofore, with adequate depth of control and a tendency toward need resolution through non-deleterious fantasy activities.

Mental Status Examination reveals a positivistic and prosocial attitudinal structure in a man whose manner is dependently cooperative and sincere. Personal style suggests a measure of personality constriction and rigidity for Mr. Garrido, but is consonant in all respects with his strongly held religious belief and depth of commitment to current life pursuits. Mood is concerned but confident of positive outcomes as a result of his endeavors, and affect, while labile, is appropriate to content under discussion. Relationships with those present are very positive, he is an affable and likeable young man whose bearing excites the positive regard of others. Self concept is verbalized as in a process of correcting recognized personal faults and working to redevelop his functional mental capacities. He sees himself as one whose life is and will be based on his strongly held religious beliefs, and all indications are that he is conducting his affairs in accord with the principles implied therein. Aspirations for ten years hence are positive and generally non-remarkable; he aspires to work in computer science and sees an orderly progression of skill development to attainment of those capabilities. Recent memory is intact, though some deficiencies in remote memory reflect the long term abuse syndrome discussed earlier. The sensorium is clear and orientation in the spheres of time, place, and person very adequate. Delusions and hallucinations are denied and absent from evidence, and there is evidence neither of tangential thinking nor loosening of associations in his verbal portrayal of himself.

As noted via behavioral observation, current testing indications are absent of signs of past or current functional psychosis or of serious organic brain syndrome activity.

SUMMARY: In overview, Mr. Garrido is a young man of average intelligence who presents a well controlled and goal oriented pattern of personality function at this evaluation. Aspects of apparent personality rigidity and constriction are mediated by his deeply held religious and philosophical convictions and by his strongly disciplined orientation to goal accomplishment. These are in no sense debilitating, and appear to contribute to his healthy function. He has progressed remarkably

well in treatment and in educational and training pursuits during his period of service to date, and appears to have reoriented his life dramatically from the derogatory pattern which characterized him earlier.

There seems little question that Mr. Garrido was a "spoiled" child, though he inculcated values and aims appropriate to a prosocial existence during the early formative years. It is characteristic of him to go to extremes in whatever commitments are made or programs are undertaken; depending on the character of pursuit, this can be contributory to excellence or extreme derogation. The current personality picture shows some excessive reliance on defenses of denial and negation, but these are expected to diminish over time with continued treatment and personal growth on his part. Via his religious pursuits, he has been able to sublimate impulses quite well, and depth of control is sufficient to sustain him here or in the free societal situation.

He continues in a process of remitting from long term drug usage and will probably continue to do so for some years to come. At this point in time, only occasional feelings of depersonalization, cognitively construed hallucinations, and nightmares plague him from the earlier toxicity. He is in good management of impulses in the psychosexual realm, and appropriately oriented toward their prosocial expression throughout his future years. In effect, it does appear that the instant offense evolved from the potentiation by drug use of what were comparatively normal drives to abnormal forms of expression and intensity. He has gained measurably with respect to these over his period of service to date, but will, when released, require psychological assistance during his transition to the free societal situation to insure continued growth as he acclimates.

In discussion with Mr. Garrido, this examiner offered to recommend the client's release from incarceration to a program of psychological treatment in the very near future. Interestingly, Mr. Garrido asked that he be permitted another three years of incarceration in lieu of that, in order that he could complete his current program of training and religious development. All things considered, then, this examiner recommends 1) a modification of the current sentence to indeterminate parole eligibility, and 2) a recommendation that he be paroled when treatment and training goals are accomplished unless there is some dramatic change in his condition in the interim. Also recommended whenever he is released, is 3) a program of psychological treatment as part of the transition from institution to community; parole supervision is seen as a positive motivational vehicle for him, though not an imperative for his effecting a prosocial adjustment.

Prognosis for successful transition to the community is considered very good. The likelihood of further extralegal behaviors on Mr. Garrido's part is seen as minimal. It is predicted, however, that in the unlikely event that he would regress toward an unacceptable behavior pattern, he would signal the regression with reinvolvement in substances or patterns deleterious to his prosocial adjustment, so that his supervising officer could be carefully attuned to and intervene hopefully, intervene, any process that might lead to negative acting out.

If there are any further questions in this case, please do not hesitate to contact me.

IAN FLUGER
Psychologist Trainee

J. B. KIRKLAUCH, Ph.D.
Clinical Psychologist

ATTACHMENT # 3

Garrido, Phillip

1-30-91 P.O/V. Subj. came in for first visit with wife Nancy. He displayed an attitude of complete compliance that did not seem honest. It was almost as if he was putting an act. Says he has no problems whatsoever. Wife agreed. Has grand plan to embark on a seminar making career. I told him I wanted to see him on weekly basis. JJL

2-6-91 P.O/V. Subj. came in. I was out to court and didn't make it back in time to see subj. JJL

2-7-91 T/C. Barbara Major.

2-15-91 P.O/V. Came in with wife. Says he was upset that I thought things might not be going as well as he makes them appear. I told him that I just want to make sure that things are going well and that I woyuld wee him every two weeks instead of every week. Once again his wife is almost totally silent. This is a strange couple. I have an uneasy feeling with this guy. Everything he says seems to be a act. I'll need to see him at home. JUL

2-27-91 T. Can't make it because he injured his back. Will come back next week. JUL

3-5-91 P.O/V. Came in one early. PO wasn't in the office so subj. met w/ Antwine. Reported no problems. JUL

4-8-91 T/C. Spoke to B. Major. Subj. seems to be doing fine. Reports for therapy as directed and no recent problems have surfaced. Jul

4-23-91 T. Subj says things are going great. He's anxious for me to make a home visit so he can show me what he's up to. He reports no problems. I told him I might be able to get out to his home w/in two weeks. If not, he's to call me on may 5th. JUL

5-5-91 T. Subj. called. Left message.

5-8-91 T. To subj. Set up appt. at his home next week. JUL

5-15-91 P.H/V. Met w/ subj. and his wife at their home. They seemed ok when I got there but as soon as he begin to talk about his recently deceased grandmother he broke down and cried uncontrollably. Just as quickly, he composed himself and went on as tho nothing had happened. They took me on a tour of the place, showing his cording studio which although small is very well equipped. Apparently got lots of help from his mo. Right now he is working for his mo. helping her w/ her rental properties.

ATTACHMENT # 4

CHRONOLOGICAL RECORD OF SUPERVISION

GARRIDO, Phillip

DATE	TYPE	
11-8-88	BV	PO to Antioch, found subject's mother's address: 1554 Walnut Avenue, Antioch, CA, rather than 2255 as subject thought. No one was home. (#4501).
11-8-88	C-BV	Clerk at Longtree Convalescent Hospital advised that Director was not available. No inquiries were made of subject.
11-8-88	C-TC	PO spoke with subject's counselor who related that subject had called ECI as required, prior to PO's call (5:10-15). Subject is now allowed to go home from work and maintain contact with ECI by phone
11-9-88	C-TC	Mother called in response to note appointment at her home on Monday, 11/14 at 4:00 p.m., set.
11-10-88	C-TC	The victim of subject's rape called to inquire about subject's status. She saw an individual hanging around (about 4 - 5 p.m.) her office building that she thought was the subject. She expressed fear and concern that subject would find her. Victim had also called ECI (sighted on 11/8 at 4 - 5 p.m.). PO contacted Mrs. Peice where subject is employed. She checked subject's time card which showed that he worked on 11/8 from 7:00 to 3:30 and he was called back to work at 6:00 and remained to 7:30 p.m. (HA/jm - 11/16/88)
11-19-88	C-T	PO on this date spoke with subject's counselor at ECI and it was suggested that subject's monitoring could be increased and the possibility of electronic monitoring has been discussed when subject leaves the program. PO is of the opinion that to subject this individual to eleccronic monitoring would be too much of a hassle, based on the hysteria, or concerns of the victim when all indications point to the fact that subject was no where near the victim's workplace. This will be discussed at a future date with the staff of ECI, including Dr. Komms. (HA/jm - 12/9/88)
12-9-88	C-CV	Victim of subject's offense viewed picture of subject to be positive that the individual she encountered while working was not subject. Victim stated that there was a great similarity, but it was not the subject she saw.
12-13-88	C-CV	PO met with ECI psychiatrist, Dr. Komm at ECI, Oakland. The doctor feels that subject has made progress during his counseling but subject remains very tightly controled - shows no anger, keeps feelings closely to himself, "like a pot boiling with no outlet valve." There is concern about subject's reactions when a number of things go badly for him. Dr. Komm recommends follow-up counseling after subject is discharged from their facility and he is willing to do the follow up. His fee is $75/hr. PO to advise doctor. (HA/jm - 12/28/88)
12-19-88	P-OV	Subject to office with Notice of Release, showing that he was released from ECI, Oakland, on Friday, December 16, 1988. Subject reports no change in his situation at home or work. He was informed that Dr. Komm is being contracted to continue subject's counseling. (HA/jm - 12/18/88)

ATTACHMENT # 5





On the left is a police photo of Phillip Garrido after his arrest in a 1976 kidnapping and rape in Reno, Nevada. On the right is the sketch released by Hayward Police in 1988 of the man who kidnapped Michaela Garecht.

ATTACHMENT # 6

My Name is Katie Callaway Hall. In 1976, I was kidnapped and raped by Phillip Garrido. In 1977, Garrido was convicted and sentenced to 50 years in the Federal Penitentiary.

Phillip Garrido was able to manipulate the system, beginning in prison, where he managed to get early consideration for release in front of the Parole Board. I was told by his Federal Parole Officer, Houston Antwine, that Garrido had been proclaiming his innocence all throughout his prison term, claiming that I was a "girlfriend" who lied and "cried rape," and that he had been wrongly convicted and incarcerated. This fabricated story, plus his "good behaivior" earned him an early release from his 50 yr. sentence.

According to P.O. Antwine, everyone in the prison and parole system believed Garrido's story, because when I met with P.O. Antwine in person, he seemed very surprised to learn from me that I had not known Garrido, and that the crime was, in fact, a Stranger Abduction and Rape.

Though these facts were clearly stated in the Trial Transcripts and the Parole Files, they chose to believe Garrido and give him the benefit of the doubt.

Even after I reported to P.O. Antwine that on Nov. 18, 1988, Garrido walked up to my Roulette Wheel in Caesars Casino, in Lake Tahoe, I learned years later that, not only had he not believed me, but that evidently he was not even listening to me, as the basic facts of my claim (such as where I worked, and the dates in question) were wrongly recorded in the Parole Files. I find this to be incredible, as I sat in P.O. Antwine's office and talked to him for over an hour, and I WAS NOT HYSTERICAL (as implied in the entry).

As a result of my personal experience with the Federal Parole System, I have lived a life "looking over my shoulder," quitting jobs, relocating for my own safety, always afraid that Garrido would find me again. Even though P.O. Antwine assured me that Garrido would be well supervised and monitored, he also told me that they knew that Garrido was going to be a "repeat offender," and I knew in my heart that Garrido had already proven himself to be smarter than "the system" by violating his Parole and hunting me down and contacting me.

In 1988 I had no choice but to put my trust in the Parole System, a system that has proven to be a massive failure when it comes to supervising Sex Offenders.

I believe that we now have the opportunity to make some changes in laws regarding Sex Offenders, and also the Policy and Procedures governing the Parole Systems assigned to supervising Sex Offenders, should they gain release.

We need to recognize the fact that Sex Offenders are PREDATORS. They hunt Human Beings. And often they prey on the young and defenseless for their own unnatural sexual deviations.

The rate of recidivism with this type of offender is HIGH.

The percentage of "rehabilitation" is LOW.

Sexual assaults have reached PANDEMIC levels.

Personally, I would like to see that Sex Offenders are never released. I think it is time for a "NO TOLERANCE" stand. But, if they are to be allowed to be released back into society, the role of the Parole System in handling these types of offenders needs to be re-thought, re-

vamped, brought up-to-date with new understanding of the type of criminal that they're dealing with.

I feel that this could be accomplished by establishing a separate Department within the Parole System for handling only Sex Offenders, with specially trained personnel, who only handle Sex Offenders. It's an idea.

In conclusion, I would also like see communication between the victims and the Parole System be made more "victim friendly." I have never had a voluntary phone call, letter, email, or any kind of update on Phillip Garrido since I registered with the Victim/Witness Program in 1987. To this day, I have not received anything from the Parole Board informing me that Phillip Garrido was re-arrested for his crimes against Jaycee Dugard, even though he was on lifetime parole for crimes he committed against me. It's like I don't exist to the Parole System. This is why I felt that I had to travel 700 miles, time and time again, and attend every hearing I possibly could to watch the proceedings. The El Dorado County District Attorney's Office were the only State Agency that voluntarily communicated with me and made it possible for me to stay informed and be updated with Garrido.

ATTACHMENT # 7





- Top Photo taken in late 1980s while Garrido incarcerated in prison. Katie Callaway-Hall says that this photo was similar to that of the one shown to her by Garrido parole officer in 1988, but that in the photo shown to her, Garrido was even further away from the camera and his face wasn't as clear.
- Bottom Photo taken from video of Phillip Garrido in park (circa 1989-1993). Katie Callaway-Hall says this looks like the person who came to her roulette wheel in South Lake Tahoe in 1988.

ATTACHMENT # 8

U.S. Department of Justice
United States Parole Commission

Chevy Chase, Maryland 20815

WESTERN REGION

Certificate of Parole

Know all Men by these Presents:

It having been made to appear to the United States Parole Commission

that Phillip Craig Garrido, Register No. 36327-136, a prisoner in the United States Penitentiary Lompoc, California is eligible to be PAROLED, and in that said prisoner substantially observed the rules of the institution, and in the opinion of the Commission said prisoner's release would not depreciate the seriousness of this offense or promote disrespect for the law, and would not jeopardize the public welfare, it is ORDERED by the said United States Parole Commission that said prisoner be PAROLED on

*January 20, 1988; and that said prisoner is to remain within the limits of District of Nevada until April 10, 2027

Given under the hands and the seal of the United States Parole Commission this 14th day of January nineteen hundred and eighty-eight

*to the actual physical custody of detaining authorities, if detainer is not exercised, parole effective February 20, 1988 to the community.

~~UNITED STATES~~ PAROLE COMMISSION.

By

Case Analyst

Initial Risk Category Good (SFS:6)

Advisor

Probation Officer CUSPO, Las Vegas, Nevada

mjt

I have read, or had read to me, the conditions of release printed on the reverse of this certificate and received a copy thereof. I fully understand them and know that if I violate any, I may be recommitted. I also understand that special conditions may be added or modifications of any condition may be made by the Parole Commission upon notice required by law.

Phillip Garrido (Prisoner) 36327-136 (Register Number)

WITNESSED

Senior Case Manager (Title) 1-19-1988 (Date)

UNITED STATES PAROLE COMMISSION

The above-named person was released on the 20th day of January, 1988 with a total of 14325 days remaining to be served.

(Chief Executive Officer)

PAROLE FORM 1-A

ATTACHMENT # 9

BOARD OF PRISON COMMISSIONERS
RICHARD H. BRYAN
Governor
BRIAN McKAY
Attorney General
FRANKIE SUE DEL PAPA
Secretary of State

STATE OF NEVADA
DEPARTMENT OF PRISONS
ADMINISTRATIVE OFFICES

GEORGE W. SUMNER
Director
RON ANGELONE
Assistant Director, Operations
GORDON O. MILLER, II
Assistant Director, Fiscal
HOWARD L. SKOLNIK
Assistant Director, Prison Industries

TO: BOARD OF PAROLE COMMISSIONERS

On July 21, 1988, under the provisions of Section 201.230, of NRS, Phillip Garrido #12954 was examined by a panel consisting of Brenda Burns, Warden, Northern Nevada Correctional Center, Theresa McNeel, MD, Psychiatrist, and Patricia White, Ph. D., Lake's Crossing Facility.

It is the opinion of the panel that Phillip Garrido #12954 can/cannot at this time be certified as not contributing a menace to the health, safety and morals of society.

Brenda Burns, Warden
Northern Nevada Correctional Center

Theresa McNeel, MD
Psychiatrist

Patricia White, Ph. D.
Lake's Crossing Facility

c: Board of Parole Commissioners
C/I files

CENTRAL OFFICE
P.O. Box 7011
Carson City, Nevada 89702
Phone (702) 887-3285

SOUTHERN OFFICE
2770 S. Maryland Parkway, Ste. 211
Las Vegas, Nevada 89158
Phone (702) 486-6491

ATTACHMENT # 10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES WARE
CHIEF JUDGE

July 7, 2011

Re: Release of Report from the Administrative Office of the United States Courts Parole Supervision of Phillip Garrido

On February 15, 2011, is my capacity as Chief Judge, I received a confidential report from the Administrative Office of the United States Courts ("AOUSC") regarding the parole supervision of Phillip Garrido by the Probation Office in the Northern District of California between December 1988 and June 1999.

The federal Probation Office in the Northern District of California was responsible for the supervision of Mr. Garrido from December 1988 to June 1999, when his supervision was assumed by the Parole Division of the California Department of Corrections and Rehabilitation. This time period included June 10, 1991, which, based on information that subsequently has come to light was allegedly when 11-year old Jaycee Dugard was kidnapped by Mr. Garrido.

Mr. Garrido's federal parole supervision stemmed from a conviction in United States District Court for the District of Nevada in 1977, when he was convicted of kidnapping a 25-year-old woman and confining her in a storage shed, where he repeatedly raped her. For the kidnapping, Mr. Garrido received a federal sentence of 50-years imprisonment. For the forcible rape, Mr. Garrido received a Nevada state sentence of five years to life.

In January 1988, after Mr. Garrido had served eleven years in federal prison, the United States Parole Commission granted him parole and Mr. Garrido was turned over to Nevada prison authorities to serve his state sentence. In August 1988, Nevada parole authorities released Mr. Garrido on lifetime parole supervision and transferred him back to federal jurisdiction for his return to the community.

Mr. Garrido was released to the supervision of the United States Probation Office in the Northern District of California and lived with his mother at her home in Antioch, California. At the time of Mr. Garrido's release from prison in 1988, sex offenders represented a very small percentage of the supervision population in the federal system, and Judicial Conference policy at the time did not provide specific guidelines for sex offender supervision. Nonetheless, policy guidance in place during Mr. Garrido's federal supervision required the probation officer to supervise him as a "high risk" offender.

Although records indicate that Mr. Garrido was correctly categorized as a "high risk" offender, the AOUSC report finds that the Probation Office failed to supervise him accordingly. Home contacts were rare. Collateral contacts with neighbors and local law enforcement were never completed. Records indicate that the probation officer never verified that Mr. Garrido had registered as a sex offender as required by the state of California.

In September 1989, Mr. Garrido's employer at a nursing home informed the parole officer that three female coworkers were nervous around Mr. Garrido, however the parole officer did not meet with Mr. Garrido until more than two months had elapsed. In February 1990, Mr. Garrido informed his probation officer that he was training as a salesman and would be selling products in people's homes, however the probation officer did not note any concerns about potential risks to third parties.

In addition, the report Mr. Garrido tested positive for drugs and was found to have submitted diluted urine samples on several occasions. However, there is no record that the Probation Office informed Nevada State Probation and Parole of Mr. Garrido's drug use. Moreover, with one exception, the Probation Office also failed to inform the United States Parole Commission about Mr. Garrido's illicit drug use. The single exception resulted in a brief revocation of parole, a short period of time in custody and a period of home confinement.

The AOUSC report concludes that the supervision of Mr. Garrido was substandard. The report notes that a California sex offender task force searched the house and grounds in July 2008 and did not find Jaycee Dugard and her children and the report questions whether greater diligence by the supervising officer would have uncovered their presence. We do not find comfort in such speculation. Because, as pointed out in the report, had Mr. Garrido's federal supervision been conducted properly from the onset, it is possible that he may have been deterred from some of the acts now attributed to him.

Mr. Garrido's federal parole was terminated in 1999 and his supervision was assumed by the California Department of Corrections and Rehabilitation.

In 2000, after Mr. Garrido's federal supervision had ended, the AOUSC conducted a routine review of the Probation Office in the Northern District of California and found the state of offender supervision to be poor. The AOUSC made a series of recommendations for improvement.

In May 2007, after a follow-up review found that none of the recommendations had been implemented, our Court replaced the chief probation officer with an experienced manager from another district. If there is anything positive that can be derived from the awful circumstances revealed by this report, it is the report's assessment of the District's current Chief Probation Officer. The report states that the new chief brought in well-qualified managers from other districts to fill the chief deputy and two assistant deputy positions. The new management team retrained all officers and supervisors in Judicial Conference policies and procedures for supervising offenders in the community. The Chief mandated that officers spend more time in the community. Standards were provided for supervision of high, medium and low activity cases, and internal audits were shared with the supervisors and officers.

As Chief Judge, I believe that the strength of our public institutions is tied directly to their openness to public scrutiny. I have decided to release the full AOUSC report. We are using its candid criticism and the public scrutiny that comes from it as tools to improve the administration of justice in our District.

Attachment: AOUSC Report on the Supervision of Parolee Phillip Gurrido

- CONFIDENTIAL -

Office of Probation and Pretrial Services
Administrative Office of the United States Courts

Report on the Supervision of Parolee Phillip Garrido
to the United States District Court, Northern District of California

December 2010

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ABOUT THE REPORT

Purpose

The purpose of this report is to provide a summary of a review conducted by the AOUSC pursuant to the authority granted to the AOUSC Director under 18 U.S.C. § 3672. The review focused on the supervision provided by the United States probation office in the Northern District of California from the time of Phillip Garrido's release from federal prison in 1988 to the time his federal parole ended in 1999.

Scope

AOUSC staff reviewed all available case documents, including chronological records made by the probation officers who supervised Garrido. In many places there were gaps in the record, making it difficult to determine whether there had been activity during the time of the gaps or if information had once been in the record and is now missing. The reviewers considered the information concerning the case in the context of the policies and practices approved by the Judicial Conference of the United States at the time Garrido was supervised.

Authority

Under 18 U.S.C. § 3672, "The Director of the Administrative Office of the United States Courts, or his authorized agent, shall investigate the work of probation officers and make recommendations concerning the same to the respective judges and shall have access to the records of all probation officers."

The statutory duties of probation officers are set forth at 18 U.S.C. § 3603. Policies governing the work of probation officers, including the supervision of offenders in the community, are established by the Judicial Conference of the United States.

EXECUTIVE SUMMARY

The Federal probation office in the Northern District of California was responsible for the supervision of Phillip Garrido from December 1988 to June 1999, when Garrido's supervision was assumed by the Parole Division of the California Department of Corrections and Rehabilitation. The focus of this report is on the time Garrido spent on federal supervision, which includes June 10, 1991, when 11-year old Jaycee Dugard was allegedly kidnaped by Garrido.

Phillip Garrido's federal parole supervision stemmed from a conviction in United States District Court for the District of Nevada in 1977, when he was convicted of kidnaping a 25-year-old woman in South Lake Tahoe, Nevada, and confining her in a storage shed in Reno, Nevada, where he repeatedly raped her. For the kidnaping, Garrido received a federal sentence of 50 years imprisonment. For forcible rape, he received a Nevada state sentence of 5 years to life.

In January 1988, after Garrido had served 11 years in federal prison, the United States Parole Commission granted him parole, and he was turned over to Nevada prison authorities to begin his state sentence. In August 1988, Nevada parole authorities released him on lifetime parole supervision and transferred him back to federal jurisdiction for his return to the community.

After time in a halfway house, Garrido was released to the supervision of the United States probation office in the Northern District of California, and lived with his mother at her home in Antioch, California. He continued to reside at this address and remained under parole supervision by federal probation officers until the United States Parole Commission terminated his federal parole in 1999.

The Parole Division of the California Department of Corrections and Rehabilitation subsequently assumed lifetime parole supervision of Garrido under terms of an interstate parole compact with the state of Nevada. Garrido remained under its supervision until the time of his arrest on August 26, 2009.

Supervision policies specifically aimed at sex offenders were adopted in the federal probation system in 2003, four years after Garrido's federal supervision ended. At the time of Garrido's release from prison in 1988, sex offenders represented a very small percentage of the supervision population in the federal system, and Judicial Conference policy at the time did not explicitly address their supervision. Nonetheless, policy guidance in place during Garrido's period of supervision required the probation officer to supervise him as a "high risk" offender.

After significant study and review of the relevant available records, this report concludes that the Federal probation office in the Northern District of California did not follow commonly accepted supervision practices and failed to adequately supervise Phillip Garrido.

While records indicate that Garrido was correctly categorized as a "high risk" offender, the probation office failed to supervise him accordingly. Home contacts were rare. Collateral

contacts with neighbors and local law enforcement were never done. Frequent positive drug tests and submission of diluted urine samples were largely ignored. The probation officer appears to have relied on the offender's therapist for information rather than direct contact with the offender.

According to records, the probation officer never verified that Garrido had registered as a sex offender as required by the state of California. The probation officer appeared unconcerned when Garrido's female coworkers at a nursing home expressed fears about his demeanor. When the victim of the 1977 kidnaping and rape reported that she may have seen Garrido near her place of employment, the officer's only action was to verify with Garrido's employer that he was at work that day. Further, the officer allowed Garrido to take a job as a salesman going door to door in the community.

There is no record of the probation office informing Nevada State Probation and Parole of Garrido's illicit drug use. In fact, the reports that were sent to Nevada typically noted "there have been no problems up to this point," even following a positive drug test or diluted urine sample. With one exception, the probation office also failed to inform the United States Parole Commission about illicit drug use. That one exception resulted in a brief revocation of parole, a short period of time in custody, and a period of home confinement.

While the level of federal supervision was clearly substandard, there is no evidence that the federal probation office would have uncovered the presence of Jaycee Dugard and her children even if the probation officer had conducted a search of the premises. In fact, a California sex offender task force searched the house and grounds in July 2008 and failed to find them. Nevertheless, one may fairly question whether Garrido could have been deterred from the horrendous acts attributed to him had his federal supervision been conducted properly from the onset.

The Garrido case is a significant reflection of the deficient practices in the probation office in the Northern District of California. However, it is not the only one. The office had a track record of inadequate supervision, and previous reviews of the office have reported serious deficiencies in operations.

In 2000, the Administrative Office of the United States Courts (AOUSC) conducted a routine review of the probation office in the Northern District of California and found the state of offender supervision to be poor. The AOUSC made a series of recommendations for improvement. In 2006, another AOUSC review team found that none of the recommendations made in 2000 had been implemented.

In May 2007, the court replaced the chief probation officer with an experienced manager from another district. The new chief brought in well-qualified managers from other districts to fill the chief deputy and two assistant deputy positions. The AOUSC provided the new management team with a summary of areas requiring improvements, including 1) home inspections need to be

conducted in a timely fashion and upon changes in residence, 2) joint planning between officers and supervisors should be documented in the chronological entries indicating that case plans have been submitted and approved, and 3) increased home visits and field contacts should be required for higher risk offenders.

The new management team retrained all officers and supervisors in Judicial Conference policies and procedures for supervising offenders in the community. The chief mandated that officers spend more time in the community. Standards were provided for supervision of high, medium, and low activity cases. Internal audits were shared with the supervisors and officers. Progress on implementing the AOUSC recommendations was a standard agenda item at monthly meetings with supervising probation officers.

With strong support from the court, the new managers appear to have made significant progress in improving the quality of supervision in the district. A follow-up review in December 2010 revealed that home inspections are conducted within the required time frame in nearly 90 percent of cases. Joint planning meetings between officers and supervisors are now documented in 97 percent of case files. Contacts with higher risk offenders in the community have more than doubled, and are now consistent with practices in the Ninth Circuit as a whole.

While all indications are that the probation office in the Northern District of California has remedied its shortcomings and is under strong and effective management, the AOUSC will remain in frequent contact with the office.

On a national level, the AOUSC takes seriously its statutory responsibilities to investigate and report any deficiencies in federal probation offices. It is an important element in assuring probation officers adequately safeguard their communities and those who live in them. When matters require national attention, the AOUSC refers them to the Criminal Law Committee of the Judicial Conference for its consideration. Currently the Committee is reviewing the recommendations of the ad hoc Sex Offender Management Working Group, which was appointed by the AOUSC Director. National and regional training of officers will be updated and expanded and other opportunities to assist probation offices in this crucial area will continue to be explored, and if beneficial, implemented.

BACKGROUND

Phillip Garrido's federal parole supervision stemmed from a conviction in United States District Court for the District of Nevada. In 1976, at the age of 25, Garrido was arrested for kidnapping and rape. On March 11, 1977, he was sentenced in the District of Nevada to 50 years imprisonment for kidnapping (18 U.S.C. § 1201 (a)(1)). On April 11, 1977, he was sentenced in the State of Nevada--to a term of 5 years to life, with the possibility for parole--for forcible rape, to be served concurrently with the federal term.

According to court documents, Garrido approached the victim outside a store on November 22, 1976, told her his car was disabled, and asked her for a ride. The victim agreed to help him. Garrido later instructed the victim to turn the vehicle into an empty lot, where he handcuffed her hands behind her back, and placed a leather strap around her neck and under her knees to keep her in a bent-over position and out of sight. Driving for about an hour, Garrido took the victim to a modified storage shed that he maintained in Reno, Nevada. There, over a 6-hour period, he repeatedly sexually assaulted her. A police officer on routine patrol noticed the car and a broken lock on the door to the shed and investigated. The police officer arrested Garrido and charged him with kidnapping and rape.

Garrido admitted at the time of the offense to being under the influence of LSD and stated in the presentence interview that he was a heavy user of LSD.

At the time of Garrido's federal sentencing, his criminal history, as outlined in his presentence investigation report, consisted of drug charges, two rape charges, and a kidnapping charge. On May 28, 1970, Garrido was charged with Possession of Marijuana and Possession of Dangerous Restricted Drugs (LSD). Garrido pled guilty to the marijuana charge and served 1 year probation; the LSD charge was dismissed. On March 3, 1972, Garrido was charged with Possession of Marijuana; Visiting a Place Where Drugs are Used. He was subsequently convicted and served 90 days in the county jail and 3 years probation. Garrido's first rape charge was on April 14, 1972, in Antioch, California, where he was charged with Contributing to Overdose; Runaway Juvenile; and Possible Rape. The case was dismissed due to insufficient evidence.

In a separate and unrelated case, Garrido was charged with rape and kidnapping on December 27, 1976, for a crime that allegedly occurred in El Dorado County, California, in June 1976. **See:** Appendix A, Time Line of Legal Events Surrounding Phillip Garrido.

COMPLIANCE WITH POLICY

Policy in Effect During Garrido's Supervision

At the time of Garrido's release from prison in 1988, policy for the supervision of offenders was contained in *The Supervision Process*, Publication 106, which was issued in 1983. Although Publication 106 did not specifically address the supervision of someone classified as a sex offender, it gave direction and guidance regarding the level of supervision required for low-activity and high-activity cases. The level determined the required number of personal contacts with the offender. The higher the risk, the higher the number of contacts required.. Publication 106 was in effect during Garrido's first 3 years of supervision.

In July 1988, at the recommendation of the Criminal Law Committee of the Judicial Conference, the Director of the AOUSC appointed a supervision task force to examine supervision practices and make recommendations for improvement. The product of the task force's efforts became known as "enhanced supervision" and was published in 1991 as *The Supervision of Federal Offenders*, Monograph 109. The 1991 version of Monograph 109 contained the policies in effect for the remainder of Garrido's federal parole term. An updated Monograph 109 was approved in 2003. long after Garrido's term of federal supervision ended.

The goal of the 1991 version of Monograph 109 was to move away from merely "counting contacts" and to promote more purposeful supervision based on the assessment of each individual case. The probation officer was to tailor the case plan for each offender according to individual circumstances. The monograph described supervision activities aimed at controlling risk by detecting misbehavior. Such "risk control activities" focused on the offender's compliance with mandatory conditions that prohibit new criminal violations and possession of controlled substances and firearms. Conducting plain-view searches and seizures, maintaining law enforcement liaisons in the community, and detecting substance abuse through testing were included as risk control activities.

The following sections highlight some of the supervision policies contained in Publication 106 and Monograph 109 and provide an assessment of the Northern District of California's supervision of Garrido. A more detailed description of Garrido's supervision is presented in the section titled "Supervision History."

Policy in Publication 106

The following information addresses aspects of the supervision process and how policy set forth in *The Supervision Process*, Publication 106, applied to each aspect. The italicized language beneath each section describes whether the probation office applied the policy in the case of Phillip Garrido (the parolee) during the period after his release from prison in 1988 through 1991, when Publication 106 was superceded Monograph 109.

Initial Classification

Publication 106 outlined the steps the probation officer was to take to classify an offender as low activity or high activity and to determine the offender's classification using the appropriate predictive device. The policy explained that "[t]wo actuarial devices are used in the system–the Risk Prediction Scale (RPS-80), for persons on probation, and the Salient Factor Score (SFS-81), for persons on parole" (Ch. II, p. 4).

> *The parolee's SFS-81 score was 6, which would have placed him in the high-activity supervision level.*

Publication 106 set the high-activity level of supervision as "[f]rom one personal contact per month to any greater number necessary to meet supervision objectives" and also required collateral contacts (Ch. II, p. 4). As the policy stated, "During the initial 6 months of supervision, the supervision level is not to be less than the predictive device indicates" (Ch. II, p. 10). It told officers to "direct the greater proportion of their efforts toward persons in the high activity supervision level" (Ch. II, pp. 10-11).

> *The parolee's supervision during the first 6 months was not in accordance with Publication 106. The minimum contact standards called for six personal contacts during that time. The parolee was seen in the office once and at the job site once. Moreover, the initial home visit was not conducted until June 20, 1989, 6 months after supervision began.*

Publication 106 required officers to complete Form PROB 42, "Classification and Initial Supervision Plan," "immediately upon receipt of a person for supervision and, in any event, no later than 30 days thereafter" (Ch. II, p. 4).

> *The parolee's initial supervision plan was not completed within established time frames, but 8 months after supervision began. The Form PROB 42 was dated August 10, 1989.*

Publication 106 instructed officers to conduct the "Case Review" every 6 months (Ch. II, p. 4).

> *Although the "Classification and Initial Supervision Plan" for the parolee was completed late, case reviews were scheduled at 6-month intervals and completed within acceptable time frames.*

The Supervision Plan

Publication 106 gave officers guidance for supervision planning through identifying supervision problems and setting objectives to address them. The policy explained that "[s]ound practice calls for a mixture of office, community, and home visits with offenders, supported by collateral contact with family, employer, police, and social agencies" (Ch. II, p. 12). It cautioned that "[a]lthough community resources may be used to address many problems, the probation officer may not delegate total responsibility for supervision of the offender to any other agency" (Ch. II, p. 13).

During the course of the parolee's supervision, the probation officer had more contact with the treatment provider than with the parolee directly, despite concerns about his conduct at work, drug use, and dilution of urine specimens. (See the "Supervision History" section of this report for more information.)

Treatment

According to Publication 106, to ensure a successful treatment referral, "the probation officer must stay involved in the process and maintain frequent (daily if necessary) contact with both the agency and the offender" (Ch. III, pp. 23-24). The policy further stated that "the importance of face-to-face contact with agency personnel cannot be overemphasized" (Ch. III, p. 24).

The probation officer maintained regular contact with the therapist throughout the parolee's supervision.

Publication 106 explained that "[a] phased urine collection program has been established for all drug dependant persons under supervision" (Ch. V, p. 33) and explained the collection and testing process. The policy set the following minimum guidelines for the three phases: Phase I–six collections monthly; Phase II–four collections monthly; and Phase III–two collections monthly.

The parolee submitted to urine testing throughout the period of supervision, testing positive for illicit substances four times (9-22-89, 10-10-89, 8-6-90 and 7-26-93.)

Special Conditions

Publication 106 described special conditions of supervision as "imposed for a prescribed purpose, tailored to the specific circumstances or problems of the offender" (Ch. III, p. 16).

The parolee was released under the following special conditions of parole:

1) You shall participate as instructed by your probation officer in a program approved by the Parole Commission for treatment of narcotic addiction or drug dependency, which may include testing and examination to determine if you have reverted to the use of drugs; 2) You shall participate in an inpatient or outpatient mental health program as directed by your probation officer; and 3) You shall reside in and participate in a program of the Community Treatment Center as instructed until discharge by the Center director, but no later than 120 days from admission.

Although Publication 106 addressed search and seizure, it allowed officers to use such tools only under limited circumstances, deeming searches "primarily the responsibility of law enforcement officers acting procedurally as they would in any criminal investigation" (Ch. III, p. 17).

The policy stated, "Probation officers should only search in the rare circumstance when there is no alternative" (Ch. III, p. 17). (Note: In addition to guidance provided by Publication 106, policy approved by the Judicial Conference of the United States discouraged officers from conducting any type of search of an offender.)

> *The Parole Commission did not impose a search condition when the parolee was released on parole, nor did the probation officer request modification of the conditions to add a search condition.*

Publication 106 stated that officers "may find it necessary to request a special condition of probation or parole restricting an offender's employment . . . in the interest of protecting the public from a 'reasonably foreseeable' risk of physical or financial harm to a specific third party or parties" (Ch. III. p. 17). The policy specifically gave as an example of employment that should be precluded "an offender with a violent sexual background working in an apartment complex as a maintenance person" (Ch. III, p. 18).

> *The probation officer failed to adequately restrict or monitor the parolee's employment, even when the parolee's job required him to go door to door in the community unsupervised. Although the officer directed the parolee to disclose his sexual assaultive background to his employer, the officer did not verify with the employer that the parolee made such disclosure.*

Supervisory Involvement in the Supervision Process

Publication 106 stressed the importance of supervisor involvement in the supervision process, stating that "[r]esponsibility and accountability for the work are shared jointly by the probation officer and the supervisor" (Ch. VI, p. 37). The policy stated, "The supervisor must be thoroughly familiar with the record keeping requirements as defined in the Probation Manual and must review all case files periodically to insure compliance with these requirements" (Ch. IV, p. 38).

> *Although the case file indicated that the supervisor reviewed the parolee's case file, the file did not document whether the supervisor offered any support or guidance as to corrective action.*

According to Publication 106, "[t]he probation officer has a great deal of discretionary authority in making decisions which significantly affect offenders and the community. By practice, these difficult decisions are made with the input of others through methods such as case staffing or through individual consultation with the supervisor" (Ch. VI, p. 39). The policy stated, "Any actions decided upon are to be recorded in the case file and both the supervisor and officer are responsible to see that decisions are implemented" (Ch. IV, p. 39).

Aside from the case plans, the chronological record in the parolee's case lacked documentation of ongoing staffing or consultation between the probation officer and the supervisor.

Supervision Activity Records

Publication 106 stated, "Complete and accurate records of supervision activity are essential to the effective operation of the probation system" (Ch. II, p. 14). According to the policy, "[t]he instrument used to document supervision activities is the chronological record" (Ch. II, p. 14).

The chronological records were not complete. It is impossible to ascertain whether entries were made and now are missing or whether they were never entered into the record at all.

Policy in Monograph 109

In 1991, *The Supervision of Federal Offenders*, Monograph 109, replaced Publication 106 as the primary policy document for supervising offenders. The following information addresses aspects of the supervision process, how policy set forth in Monograph 109 applied to each aspect, and whether the probation office applied the policy in the case of Phillip Garrido (the parolee).

Initial Assessment Period and Review Process

Monograph 109 stated, "The assessment period shall not exceed 60 days and will vary in duration depending on the circumstances of a particular case" (Ch. III, p. 14).

The parolee's initial supervision plan was developed under Publication 106, but his parole supervision was interrupted when the probation office requested a warrant, which was issued by the U.S. Parole Commission in March 1993. When the parolee's supervision recommenced on September 6, 1993, the probation officer developed a new supervision plan under Monograph 109, but did not follow policy in doing so. The officer completed the plan on March 26, 1994, 6 months after parole had recommenced.

According to Monograph 109, "[t]he 6-month case review affords the officer and the supervisor an opportunity to examine the offender's progress and response to the supervision program and to evaluate the adequacy of the existing plan" (Ch. III, p. 20). The policy explained that "[t]he purpose of this process is to establish a supervision plan for the next 6 months which is based on a comprehensive analysis of the previous 6 months' experience" (Ch. III, pp. 20-21).

Although the probation officer completed and submitted the parolee's 6-month reviews within acceptable time frames, the plans rarely indicated any need to modify supervision or risk control strategies despite the parolee's changes in behavior.

Supervision Strategies

Monograph 109 advised that "[s]upervision strategies related to risk control will require a great deal of direct contact with the offender and others who have information about the offender's conduct" (Ch. III, p. 19). The policy stated, "Although the case plan does not provide 'Contact with the Offender' as a supervision activity, such contacts are implicit in such goal-directed strategies as 'On-Site Examination of Living Situation . . . '" (Ch. III, pp. 19-20).

> *Although the monograph presented contact with the offender as an inherent supervision strategy and the record identified the parolee as high risk and a danger to the community, the supervision strategies selected in this case were inconsistent with monograph guidance and with the parolee's risk level.*

Supervision Process Implementation

Monograph 109 stated, "The probation officer's responsibility to enforce conditions of supervision is derived from his or her legal duty to supervise and execute the sentence imposed by the court" (Ch. IV, p. 25). The policy explained that Title 18 U.S.C. § 3603, the legal authority for the supervision of federal offenders, sets forth the framework for meeting the three objectives of effective supervision--" . . . execution of the sentence, . . . reduction of risk to the community, and . . . correctional treatment"--providing in part that the probation officer shall "keep informed concerning the compliance with any condition of supervision and report thereon to the court or Parole Commission; . . . keep informed as to the conduct and condition of a person under supervision and report his or her conduct and condition to the sentencing court or Parole Commission; . . . and keep a record of the officer's work" (Ch. IV, p. 25).

> *The probation officer failed to implement risk control activities despite the parolee's deteriorating conduct, which included illicit drug use. The officer relied on the therapist to keep apprised of the parolee's adjustment and response to supervision. The record noted that the parolee used drugs, but the officer did not see him in person until several months after becoming aware of the drug use.*

Risk Control Activities

Conducting Search and Seizure. In addressing search and seizure, Monograph 109 stated, "Any search by the officer must be restricted to areas of access to the offender and conducted during daylight hours unless good cause is given" (Ch. IV, p. 27).

> *The Parole Commission did not impose a search condition when the parolee was released, nor did the probation officer ever request a modification of the parolee's conditions to add a search condition.*

Maintaining Law Enforcement Liaison. According to Monograph 109, "[t]he nature and frequency of contacts with law enforcement will vary depending upon the risk posed by the offender and the supervision issues identified" (Ch. IV, p. 27). The policy explained that "[w]hen the actuarial score and/or the offender's criminal history (including a history of violence, similar criminal activity, or criminal associations) has identified risk as an issue of concern, the officer should make frequent contact with those law enforcement agencies that may have information about the activities of the offender" (Ch. IV, p. 27).

> *Despite the risk the parolee posed, the probation officer failed to make law enforcement contacts in the community. The only officer-initiated law enforcement contacts documented in the record were in November 1998 (11-16 and 11-18).*

Detecting Drug Abuse. Monograph 109 described urinalysis and collateral contacts as useful means to detect drug use. It stated, "Since there is a high correlation between drug abuse and criminal activity, the officer should make ongoing efforts to detect drug use through urinalysis." (Ch. IV, p. 28).

> *The parolee submitted to urine testing throughout the period of supervision, testing positive for illicit substances four times and providing three diluted urine specimens.*

Assessing Third-Party Risk. Monograph 109 stated, "When the probation officer determines that the offender poses a 'reasonably foreseeable' risk of physical or financial harm to a specific third party or parties, he or she should increase risk control supervision . . ." (Ch. IV, p. 29).

> *Despite the parolee's increased risk and danger to the community, as documented in the chronological record, the probation officer failed to increase the level of supervision or implement any additional risk-control strategies.*

Referring for Treatment. Monograph 109 gave guidance for assessing which treatment agency is appropriate, stating that "[t]he officer should ascertain if the agency specializes in the behavior to be treated (e.g. sexual deviancy) and whether the agency has expertise in working with offenders who are required to submit to treatment" (Ch. IV, p. 32). To ensure a successful referral, Monograph 109 noted,"Collateral contacts with the treatment agency are necessary to monitor the offender's compliance with the program . . ." (Ch. IV, p. 32).

> *The probation officer maintained contact with the therapist, but appears to have abdicated control of the parolee's supervision to the therapist and therefore did not comply with policy.*

Supervision Contacts

Monograph 109 described the purpose of supervision contacts as "enforcing conditions, controlling risk, and/or providing correctional treatment" (Ch. IV, p. 34). The policy explained

that "[t]he frequency, place, and nature of the contacts, as well as which persons are to be contacted, will be determined by the plan and directly related to identified supervision issues" (Ch. IV, p. 34). Monograph 109 presented the officer's role in community supervision not as passive and relying upon only what the offender reports, but as dynamic and relying upon the officer proactively making contact in the community. The policy stated, "Field supervision contacts with the offender and others are essential for the officer to fulfill his or her statutory requirement to maintain awareness of the offender's conduct and condition" (Ch. IV, p. 34).

> *Collateral contacts (such as those with law enforcement and employers) were not regularly or consistently reported in the chronological record. The probation officer's contacts consisted of office visits with the parolee, the parolee's self reports, contact with the parolee's wife with the parolee present, and contacts with the therapist. These contacts failed to address the parolee's increased risk.*

Case Management

Monograph 109 stressed the importance of supervision case records, stating that "[c]omplete and accurate records of supervision activity are essential to ensure that the activities undertaken are consistent with those outlined in the supervision plan" (Ch. IV, p. 34). The policy explained that "[e]ach entry should be a brief, concise statement reflecting the supervision issue(s) addressed, action taken by the officer, and whether the offender's progress in resolving the issue(s) is satisfactory or unsatisfactory" (Ch. IV, p. 34). It further noted that "the chronological records should contain the date, place, and nature of contacts made with the offender and others" (Ch. IV, p. 34).

> *The chronological record of the parolee's supervision did not consistently show that the requirements set forth in Monograph 109 were followed.*

Policy as Determined by Program Reviews

In recent years – after the time of Garrido's federal supervision – the AOUSC conducted reviews of the probation office in the Northern District of California. Three reviews, conducted by review teams in October 2000, January 2006, and October 2007, found the quality of offender supervision to be poor. (**See:** Program Review Report for the Northern District of California - United States Probation Office, Administrative Office of the U.S. Courts, January 2001; Program Review Report for the Northern District of California - United States Probation Office, Administrative Office of the U.S. Courts, February 2006; and Program Review Report for the Northern District of California - United States Probation Office, Administrative Office of the U.S. Courts, December 2007.)

The review conducted in October 2000 revealed that the probation office needed to make significant improvements in post-conviction supervision, citing deficiencies in areas including initial case planning, court-ordered sanctions, risk control, correctional treatment, and quality control. Recommendations for corrective actions were sent to the chief probation officer.

The January 2006 review revealed that there had been no attempts to implement the earlier recommendations, and that the quality of supervision remained poor. The AOUSC review team reported its finding to the court, which made a decision to remove the chief probation officer.

In May 2007, the court replaced the chief probation officer with an experienced manager from another district. The new chief brought in well-qualified managers from other districts to fill the chief deputy and two assistant deputy positions. The AOUSC provided the new management team with a summary of areas requiring improvements, including 1) home inspections need to be conducted in a timely fashion and upon changes in residence, 2) joint staffings between officers and supervisors should be documented in the chronological entries indicating that case plans have been submitted and approved, and 3) increased home visits and field contacts should be required for higher risk offenders.

The new management team retrained all officers and supervisors in Judicial Conference policies and procedures for supervising offenders in the community. The chief mandated that officers spend more time in the community. Progress on implementing the AOUSC recommendations was a standard agenda item at monthly meetings with supervising probation officers. Standards were provided for supervision of high, medium, and low activity cases. For high risk cases, such as sex offenders, active gang members, and offenders with severe mental health or substance abuse problems, 6 personal or collateral contacts are required in the first 6 months, at least four in the field.

With strong support from the court, the new managers appear to have made significant progress in improving the quality of supervision in the district. A follow-up review in December 2010 revealed that home inspections are conducted within the required time frame in nearly 90 percent of cases. Joint staffings between officers and supervisors are now documented in 97 percent of case files. Contacts with higher risk offenders in the community have more than doubled, and are now consistent with practices in the Ninth Circuit as a whole.

SUPERVISION HISTORY

Review of Chronological Records

The following information presents Garrido's supervision history by year. It is based on a review of the chronological entries made by the officers who supervised Garrido. Unless noted in the body of the paragraph, the date of the chronological entry appears in parentheses at the end of the summary. Particularly significant events are noted in bold.

1988

The parolee was transferred from the State of Nevada to a community treatment center (CTC) in Oakland, California, to transition him into the community where he would reside with his mother and wife. The probation officer conducted pre-release planning with the parolee and the CTC staff. The pre-release planning commenced in August and concluded upon the parolee's release in December.

While residing at the CTC the parolee gained employment at a nursing home and visited his proposed residence. Conversations between the CTC counselor and the probation officer described the parolee as a "time bomb" and indicated that close monitoring of the parolee was needed (10-14 & 10-24).

> *The chronological record did not indicate that the officer took any action regarding these concerns.*

Local law enforcement contacted the probation office, questioning the parolee's employment at a nursing home. The officer advised that the nursing home was aware of the parolee's history as the officer had spoken with the nursing home directly on 9-12 (10-5).

Nevada State Parole and Probation contacted the probation office requesting periodic reports on the parolee's progress and supervision status (10-18). The probation officer responded in a report sent on 11-26, advising that the CTC staff had recommended close monitoring of the case and that the probation office would follow the recommendation.

The probation office went to the parolee's mother's home on 11-8, but no one was home. The probation officer planned a home visit with the parolee's mother for 11-14.

> *The chronological record contained no documentation that the home visit was completed.*

The victim of the 1976 kidnapping and rape contacted the probation office to inquire about the parolee's status. She reported that she had seen someone hanging around her office building and thought it might have been the parolee. The probation officer contacted the parolee's employer and verified that the parolee had been at work at the time the victim had seen someone (11-18). The officer and treatment center counselor discussed the possibility of increasing monitoring.

The counselor suggested placing the parolee on electronic monitoring after he left the treatment center, but--as indicated in a chronological record--the probation officer thought it would be "too much of a hassle based on the hysteria or concerns of the victim when all indications point to the fact that subject was nowhere near the victim's workplace..." (11-19).

The probation office contacted the parolee's psychiatrist to discuss the parolee's treatment. According to the record, the psychiatrist described the parolee as "like a pot boiling with no outlet valve." The psychiatrist recommended ongoing counseling after the parolee's discharge from the treatment facility. The probation office concurred with the recommendation (12-13).

The parolee completed his transition from the CTC and was paroled on 12-16 with the following special conditions:

1) You shall participate as instructed by your probation officer in a program approved by the Parole Commission for treatment of narcotic addiction or drug dependency, which may include testing and examination to determine if you have reverted to the use of drugs;
2) You shall participate in an inpatient or outpatient mental health program as directed by your probation officer; and
3) You shall reside in and participate in a program of the Community Treatment Center as instructed until discharge by the Center Director, but no later than 120 days from admission. The parolee was released to reside with his wife and mother in Antioch, California.

There was no record of officer-initiated contacts with law enforcement in 1988 and no verification of sex offender registration.

1989

The parolee reported to the probation office on 2-24. It is noted that the parolee is very happy with adjustment at home and on the job (2-24).

Counseling was set up with a new therapist upon the parolee's release from the facility. The parolee commenced counseling in February 1989 (2-24).

Over the first 6 months of supervision, the probation officer saw the parolee once in the office, once at the job site, and conducted the initial home visit on 6-20. During the home visit, the officer met with the parolee's mother and the parolee.

The parolee's risk level as shown in the SFS-81 was a 6, which would have placed him in the high-activity supervision level. The minimum contact standards called for six personal contacts during that time.

The parolee was actively participating in mental health treatment. The officer staffed the parolee's case with the therapist twice in the initial 6 months of supervision (4-24 & 6-7).

Over the second 6 months of supervision, the officer had ongoing contact with the treatment provider and, during staffings on 7-18 and 8-18, documented concern that the parolee possibly was taking medication that was not prescribed for him. The officer reported on 7-18 that the parolee had reported that he was taking Mellaril for his migraines and Tylenol with codeine for a foot injury. The parolee informed the therapist that he was seeing a private doctor while also seeing another doctor at Kaiser for his migraines. The officer noted concerns that the parolee may have been obtaining non-prescribed medications at the nursing home where he was employed. The therapist agreed to set up a reevaluation with a psychiatrist (7-18).

There was no documentation that the probation officer followed up on the concerns that the parolee was taking medications that were not prescribed for him.

The officer completed and submitted the initial case plan on 8-10. The case plan indicated that the parolee had a Salient Factor Score of 6. The case plan stated that the officer would have monthly contact with the parolee and the service provider. It also indicated that the parolee would always be a risk to third parties.

The parolee was seen by a psychiatrist. The officer noted that the parolee may need medication and that the therapist's treatment approach was correct (8-10). The officer received information regarding the appointment through the therapist, not from the psychiatrist directly.

During an office visit on 8-14, the officer told the parolee about the State of California's requirement for sex offender registration. **See**: Appendix B, Federal Statutory Changes Related to Sex Offender Registration.

The chronological record contained no further information as to whether or not the parolee complied with this requirement. There was no documentation to indicate that the officer verified the parolee's sex offender registration.

The officer conducted a home visit on 8-16-89 and saw the parolee and his mother. The parolee gave the probation officer the name of his private doctor.

The parolee submitted two diluted specimens in August 1989. Staffing with the therapist indicated that she believed the parolee "is close to going off" (8-23).

The probation officer did not have personal contact with the parolee until Dec. 1.

The officer sent a request for psychiatric and medical records to the Federal Bureau of Prisons for further information regarding the parolee's medications for migraine headaches and psychiatric care (8-23).

The officer followed up with the parolee's employer regarding the accusation of sexual harassment. The employer advised the officer that three females had reported that they were nervous around the parolee and that the parolee three times had approached females about going out with him. No physical contact had been reported. The employer advised that she wanted to keep the parolee employed (9-28).

The officer maintained ongoing contact with the parolee's therapist during September and October 1989. The therapist reported to the officer that the parolee had tested positive for speed [methamphetamine] on 9-22 and had admitted to using it for about a month. He also had told the therapist that he had used marijuana since his release and admitted to flushing his system (10-5). The therapist reported an additional positive test for speed on 10-10, but advised that she believed that since everything was coming out in the open, a positive outcome of continued treatment could be expected (10-10).

> *Despite the issues and concerns at the parolee's place of employment, the diluted urine specimens, and the two positive test results, there was no information in the records that the probation officer saw the parolee from 8-16-89 to 12-1-89. Furthermore, the file contained no documentation to indicate that the officer reported the violations to the Parole Commission.*

The officer conducted a home visit on 12-1-89, but no specific information about the visit was noted in the chronological entry.

> *There was no documentation of contacts with law enforcement in 1989 and no verification of sex offender registration.*

1990

The probation officer continued ongoing contact with the therapist. The officer and the therapist again discussed a problem with a female at the parolee's place of employment. The therapist relayed to the officer that the parolee had been giving unwanted attention to another female and that the female subsequently quit (1-12). The officer attempted to contact the parolee on 1-24 at work and at home but made no direct contact.

The parolee reported to the probation office on 2-5. The parolee advised that he was going to look for other employment as he was tired of working with all women. He advised that everything else was going well (2-5).

The probation officer submitted an updated case plan on 2-7, documenting that the parolee remained on high-activity supervision. The case plan highlighted three drug positives, none of which were reported to the Parole Commission. The case plan also documented that the probation officer had told the parolee to register as a sex offender.

The parolee was seen in the office in February and told the probation officer that he was training to sell water purifiers and would be selling this product in people's homes (2-22).

The chronological record made no mention of any concerns regarding foreseeable third-party risk.

During the March office visit the officer asked if the parolee had registered with the state. The parolee told the officer that he had registered (3-2).

Although the officer directed the parolee to register as a sex offender, there was no documentation that the officer verified that the parolee complied.

The officer directed the parolee to notify his new employer about his rape and kidnaping conviction by 3-9 (3-2).

There was no follow-up chronological entry indicating that the officer verified that the parolee complied.

There was no documentation of contact from April-June 1990.

In July 1990, the officer held a meeting with the therapist and the parolee, and decreased the parolee's urine specimens to weekly (Phase II) (7-10).

In a telephone contact, the parolee told the officer that he had taken a job selling products door-to-door. The parolee reported that he had told his employer about his conviction (8-13).

The record contained no documentation regarding the potential risk related to this kind of employment and no verification that the employer knew about the parolee's offense.

The therapist reported to the probation officer that the parolee tested positive for speed [methamphetamine] on 8-6. The officer increased the parolee's drug-testing requirements to six specimens per month (Phase I) (8-15). The officer discussed the case in detail with the therapist in August, highlighting the issue of drug use and the danger the parolee presented to the community (8-22).

There was no documented change in supervision activities related to the parolee's drug use or the concern about the danger he presented to the community.

The parolee's previous supervisor from the nursing home reported that the parolee had been contacting nursing home employees looking for drugs (11-2).

There was no documented follow-up by the officer with the parolee.

According to the case plans contained in the file, the probation officer submitted a case plan on 12-5-90, indicating that the last personal contact was 8-13-90, that the last home visit was 12-1-89, and that the parolee posed no third-party risk if he was in counseling and taking his medication. The supervisor responded that the parolee needed to be seen more frequently (12-5).

The chronological record showed no additional case staffings or follow-up by the officer or the supervisor to address the supervisor's comment in the case plan that the parolee needed to be seen more frequently. There was no change in supervision activity.

The probation officer had no face-to-face contact with the parolee from July to December 1990. Information about the parolee's status, drug use, and adjustment was from the therapist and not through the officer's direct contact with the parolee.

There was no documentation of contacts with law enforcement in 1990 and no verification of sex offender registration.

1991

In January 1991, the supervision of the parolee was transferred to a different probation officer. The case transfer summary highlighted that the case required high-activity supervision, that the parolee was to be seen monthly, and that drug use was a danger for the parolee.

Commencing with an office visit on 1-30, the probation officer directed the parolee to report weekly in person. The parolee began reporting more frequently and was seen in the office twice in February (2-6 and 2-15) and once in March (3-5) and had telephone contact with the officer in April (4-23).

During the April telephone contact, the parolee remarked that he was anxious for the officer to conduct a home visit so that he could show the officer his new recording studio (4-23).

The officer conducted a home visit on 5-15. The parolee and his wife were both present and took the officer on a tour of the home, including the recording studio. The officer documented that "everything looks ok for the present."

The officer's contact with the therapist remained consistent, with no issues reported during contacts in February, April, June, and August. The parolee was seeing the therapist weekly.

June 10, 1991 - Jaycee Dugard was kidnapped.

The officer met with the parolee in the office in June (6-19), July (7-24), August (8-7), October (10-3), and November (11-5). During the office visit in August, the parolee reported that his wife had been pregnant and had opted to have an abortion (8-7).

There was no indication in the record that the officer discussed this situation with the therapist on 8-14, and there was no further mention of an abortion.

Nevada State Parole and Probation sent a letter requesting a current progress report on the parolee (11-21). The probation officer responded with a report advising that the parolee remained under the supervision of the office and "there have been no problems up to this point" (12-3).

The report failed to provide information about the parolee's noncompliance and drug use.

The officer conducted a home visit on 12-13. The home visit was documented as "short" since the parolee was taking his wife to work. The officer noted that the wife was "as cheerful as ever."

There was no documentation of contacts with law enforcement in 1991 and no verification of sex offender registration.

1992

The parolee reported for an office visit on 2-7 with no issues, but a staffing with the therapist on the same day revealed real concerns regarding the parolee's demeanor. The therapist scheduled a reevaluation with the psychiatrist for a review of the parolee's medications.

There was no documentation regarding the psychiatric evaluation. Further, there was no report of any activity for more than 10 months (3-4-92 to 1-15-93).

Nevada State Parole and Probation sent a letter requesting a current progress report on the parolee (10-20). The probation officer responded with a report advising that the parolee remained under the supervision of the office and stating, "He has been cooperating with our office with no major problems. He is employed with his mother, who runs a real estate office in Antioch, California. He is seen regularly by a mental health therapist and is on medication" (11-6).

There was no documentation of contacts with law enforcement in 1992 and no verification of sex offender registration.

1993

The parolee reported for office visits on 1-15 and 1-27, indicating that everything was the same.

The parolee began missing appointments with the officer and the therapist. The officer attempted home visits on 2-11 and 2-23, neither of which resulted in contact with the parolee.
The officer held a meeting with the parolee and the therapist on 3-1 regarding the parolee's compliance. The officer directed the parolee to report every other week commencing 3-10 (3-1).

March 18, 1993 - The U.S. Parole Commission issued a warrant. The petition alleged that the parolee had failed to report to the probation officer as directed and had failed to report to the drug counselor for aftercare and submission to urine testing.

April 1, 1993 - The parolee was arrested

The Parole Commission placed the parolee on electronic monitoring. The parolee's electronic monitoring was from 5-10 to 9-6, with a third-party independent contractor, through the Federal Bureau of Prisons. All noncompliance regarding the electronic monitoring was responded to by the third-party contractor. The contractor provided a progress report from 5-10 to 7-10, outlining

the parolee's overall progress during the reporting period. The report advised that the parolee had no problems except a missed office appointment on 6-3.

The file contained no further reports for the remainder of the parolee's electronic monitoring period.

On 7-28, the probation officer noted concern that "we are losing this guy" and that the parolee again was having trouble with diluted drug tests, possible use of illegal substances, and not taking his prescribed medications. The officer noted that a violation was in order and that the potential danger to the community was high.

No follow-up with the Parole Commission regarding these concerns was indicated in the file.

The record indicated that the supervising officer was changed at some point in July or August 1993

The new supervising officer confronted the parolee in the office about the parolee's drug use and positive test for methamphetamine on 7-26. The officer noted a problem locating the complete file on the parolee and stated that he was not sure if the parolee had tested positive previously and that he would make a determination regarding a violation after he received the past file information. The officer admonished the parolee for his drug use (8-11).

September 6, 1993 - The Notice of Release and Arrival was issued by the Federal Bureau of Prisons.

On 9-6, the parolee was released from the Federal Bureau of Prisons supervision and placed on parole supervision with the federal probation office in the Northern District of California.

The officer had direct office contact with the parolee once in August (8-25) and once in September (9-10).

There was no indication that the officer had contact with the parolee from October-December 1993, despite the concerns previously noted in the file.

There was no documentation of contacts with law enforcement in 1993, no home inspection, and no verification of sex offender registration.

1994

The record did not indicate that the officer had any contact with the parolee in January or February. The probation office had no direct contact with the parolee for 5 months (October 1993-February 1994).

The parolee reported to the probation office on 3-16, stating that he had been experiencing side effects with lithium and was now taking Zoloft. He was actively under the care of a psychiatrist.

The officer stated in the file that he would be seeing the parolee biweekly (3-16).

The record made no earlier mention of the parolee's medication changes or the reasons for the medications.

Over the next 8 months the officer saw the parolee six times in the probation office (3-28, 5-16, 6-6, 7-6, 9-7, and 10-26).

There were two contacts with the therapist in 1994 (4-19 and 12-13). All progress reports were positive. The therapist related the information about medications to the probation officer. The therapist reported that the parolee was taken off lithium but was still on other medications (4-19).

There was no documentation of contacts with law enforcement in 1994, no home inspection, and no verification of sex offender registration.

1995

The parolee visited the probation office twice in January (1-4 and 1-25) and reported that things were going well.

There was no contact documented in February-April.

The officer attempted a home visit and an employment contact on 5-2; however, no contact was made with the parolee. Following the attempted home visit, the probation officer called and scheduled a visit for 5-4. During the home visit on 5-4, the officer documented that he "inspected the residence and found nothing out of the ordinary." The officer also noted that the parolee was taking Cynex for attention deficit disorder and had continued to see his therapist.

Nevada State Parole and Probation sent a letter requesting a current progress report on the parolee (5-26). The probation officer responded with a report advising that the parolee remained under the supervision of the office and "has been compliant thus far." The report stated, "The subject is seen on a bimonthly basis by this officer and has posed no problems thus far" (6-6).

There was no mention of the parolee's noncompliance or drug use in the report provided to Nevada State Parole and Probation.

Over the next 7 months the officer saw the parolee three times in the office (7-26, 9-20, and 12-19) and once at home (9-29) with nothing unusual documented. The probation officer attempted to see the parolee at home on 11-29; however, no one was home (11-29).

The parolee's counseling was terminated on 9-25. The documentation stated that the therapist believed the parolee was stable and not a danger to the community.

There was no documentation of contacts with law enforcement in 1995, no home inspection, and no verification of sex offender registration.

1996

Over the next year of supervision, the officer saw the parolee at the office three times (4-4, 7-12, and 11-12) and at his home on 2-6. During the home visit, the officer noted that he inspected the residence with "no contraband observed."

Nevada State Parole and Probation sent a letter requesting a current progress report on the parolee (2-27). The probation officer responded to the report advising that the parolee remained under the supervision of the office and "has posed no problems thus far . . . " The letter further advised that the parolee had been seeing a therapist and that on 9-25 the therapist had stated, "I do not feel he is a danger to the community." The letter advised that the parolee was taking Zoloft and Cylert to stabilize his mood swings and was seeing a psychiatrist monthly. The letter further stated the officer was seeing the parolee approximately every 2 to 3 months (3-5).

On 7-12 the officer noted that the parolee was doing well and that the officer had moved the parolee to quarterly reporting. The parolee signed an authorization for release of information to allow the officer to talk to the psychiatrist. The parolee provided copies of prescriptions for Zoloft and Dexedrine (11-11).

There was no documentation of contacts with law enforcement in 1996, no home inspection, and no verification of sex offender registration.

1997

The officer conducted a home visit on 5-3 and reported nothing unusual. The officer noted that the parolee had five pit bull dogs. Another home visit was conducted more than 6 months later on 11-16. The officer then noted that the parolee would only be seen as needed.
Nevada State Parole and Probation sent a letter requesting a current progress report on the parolee (3-4).

There was no documentation that the probation officer responded to the request from Nevada.

In November 1997, the probation officer requested an evaluation by the parolee's treating psychiatrist. The psychiatrist provided a hand-written note stating, "His prognosis is excellent . .. I do not suspect he will ever be at risk for violence."

There was no documentation in the file to indicate any activity by the probation officer from November 1997 to August 1998. There was no documentation of contacts with law enforcement in 1997, no home inspection, and no verification of sex offender registration.

1998

The officer attempted home visits on 6-24 and 8-18, but the parolee was not home, and contact was made with the parolee's mother instead. The parolee reported to the office as directed on 8-26. A note in the file indicated that the parolee continued to do well and required minimal supervision.

In November 1998, there was a kidnaping and murder in Antioch. The probation office responded by contacting local law enforcement and immediately contacting the parolee (11-17 and 11-18). The probation officer attempted a home visit on 11-17, but no one answered the door. The probation officer left a note directing the parolee to the office on 11-18. The parolee reported to the office as directed (11-18). The officer followed up with law enforcement and with the parolee's psychiatrist (11-16, 11-18, 11-19, and 11-23). Law enforcement later advised in that the parolee was not a suspect (2-5-99).

There was no documentation of a successful home inspection, and no verification of sex offender registration in 1998.

1999

March 9, 1999 - The parolee received an early discharge from federal parole.

The parolee was released from parole on 3-9 at the recommendation of the U.S. Probation Office in the Northern District of California, in accordance with Parole Commission policy. The Certificate of Early Termination stated "After a thorough review of your case, the Commission has decided that you are deserving of an early discharge. You are commended for having responded positively to supervision and for the personal accomplishment(s) you have made. The Commission trusts that you will continue to be a productive citizen and obey the laws of society."

Nevada State Parole and Probation sent a letter requesting a current progress report on the parolee (5-10). The probation officer responded with a report advising that the parolee had been discharged from supervision (5-20).

It appears that the probation officer never verified that Garrido registered with the State of California as a sex offender.

ASSESSMENT OF SUPERVISION

There are many troubling issues with respect to how the probation officers supervised Phillip Garrido, including significant gaps in the chronological record that suggest little or no activity. Particularly significant is the lack of visits to Garrido's residence. For the most part, the probation officers who supervised the offender either saw him in the office or relied upon the treatment provider for information about his status.

While correctly categorizing Garrido as "high activity," the probation officers who handled this case over more than 10 years visited him at his residence perhaps 10 or 11 times. In three of the years (1990, 1992, and 1994) it does not appear that an officer went to the residence even once.

There was an attempted home visit on 12-13-1991, 6 months after Jaycee Dugard was kidnapped, but it appears that Garrido cut the visit short, saying that he was just leaving to take his wife to work. There was no follow-up attempt to visit Garrido at home. Instead, all contact with the offender took place in the probation office for the next 3 years. This includes the time that Garrido's parole was violated for failure to report to this treatment provider and he was placed on home confinement for 120 days (apparently, a Bureau of Prisons contractor installed the electronic monitoring equipment and monitored Garrido's compliance). Based on an examination of the case records, it appears that 40 months elapsed from the attempted home visit on 12-13-1991 to the next home visit on 5-2-1995.

It does not appear that the probation officer ever verified that Garrido had registered as a sex offender, instead relying on the offender's representation that he had done so. It also does not appear that the probation officer made collateral contacts with neighbors and local law enforcement officers. A report from the victim of the 1977 kidnapping and rape that she had seen Garrido on the street in November 1988 was dismissed by the probation officer as "hysteria." There was inadequate follow up to instances of women at Garrido's place of employment feeling "nervous" around him. The offender was even allowed to work for a time as a door-to-door salesman, despite the obvious risk to third parties.

Communications with Nevada State Parole and Probation officials were perfunctory and actually misleading, with confirmed illegal drug use being glossed over with summaries such as "He has been cooperating with our office with no major problems," or "The subject is seen on a bimonthly basis by this officer and has posed no problems thus far."

POLICY IN EFFECT AFTER GARRIDO'S PAROLE TERMINATION

In January 2000, 7 months *after* Garrido's parole was terminated, the Director of the AOUSC appointed an ad hoc supervision working group to update the 1991 version of Monograph 109 to reflect statutory changes over the 9 years since the last update. The group also was asked to incorporate research in the field of community corrections that demonstrated effectiveness in reducing recidivism and promoting the successful reentry of offenders in the community.

After 3 years of work that involved the collaboration of chiefs, deputy chiefs, supervisors, senior officers, and line officers from 40 districts, the revised Monograph 109 retained the emphasis on purposeful supervision based on individual assessments, but placed added emphasis on:

- Desired outcomes and goals of supervision;
- Ongoing collaboration between officers, supervisors, and officer specialists to improve assessment or risk and risk-related needs:
- Reentry planning before the offender's release from Bureau of Prisons custody;
- Home inspection during the initial assessment and more field work generally;
- Collaboration with others in the community (including law enforcement);
- A two-pronged approach to both control and reduce risk; and
- A focus on continued success beyond the period of supervision.

To support this policy change, the AOUSC released a national automated case plan and chronological records system. These features allowed for improved record keeping and case management across the country.

After the major update to Monograph 109 in 2003, there were several updates that retained the emphasis on individualized, tailored approaches to supervision. These updates are described in the following section.

POLICY IN EFFECT CURRENTLY

Supervision of Federal Offenders (Monograph 109)

Supervision of Federal Offenders, Monograph 109, adopted by the Judicial Conference of the United States in March 2008, contains the most current policies guiding the supervision of federal offenders by probation officers. The most significant change in this version of the monograph was the addition of a new chapter titled "Supervision of Offenders with Treatment Services Needs."

The current monograph gives specific direction to officers regarding their role in verifying sex offenders' compliance with state and local sex offender registry requirements. It also indicates that officers must comply with 18 U.S.C. § 4042(c), which requires the probation office to provide information to the chief law enforcement officer of the state and local jurisdiction in which the sex offender resides and to a state or local agency responsible for receiving or maintaining sex offender registration information.

The monograph provides specific guidance regarding supervision of sex offenders in the areas of evaluation, monitoring and intervention (including how to address perceived risk), and sex-offense specific treatment. In addition to addressing issues specific to supervising sex offenders, the monograph addresses supervision practices for high-risk offenders.

Treatment Services Statement of Work

Since fiscal year 1996, the national statement of work officers use to contract for treatment services has included detailed descriptions of services related to the treatment and management of sex offenders. In addition to individual and group counseling, authorized services include polygraphs and plethysmographs. Since the federal probation and pretrial services system began using specialized sex offender treatment, the AOUSC has continued to modify and enhance the statement of work for sex offense- related services as research has continued to focus on managing the sex offender as the means to reduce recidivism.

Initial Probation and Pretrial Services Officer Training

Since 2007, newly appointed probation and pretrial services officers have completed a 6-week new officer training program at the AOUSC's National Training Academy in South Carolina. During this program, officers receive training in various investigation and supervision policies and procedures, including a 4-hour block of instruction dedicated to sex offenders. For experienced officers, the Federal Judicial Center offers training on sex offenders through its *Special Needs Offenders Series* bulletins and broadcasts. These include: Special Needs Offenders: An Overview of Sex Offenders in the Federal System (October 1998); Special Needs Offenders: FCI Butner Sex Offender Treatment Program, Parts One and Two (December 2000 and March 2001); and Special Needs Offenders: Sex Offenders Update (December 2002).

CURRENT PRACTICES IN THE NORTHERN DISTRICT OF CALIFORNIA PROBATION OFFICE

The new management of the probation office has undertaken a major overhaul of supervision practices in the district, and has established district standards to supplement national standards and hold probation officers more accountable. As a first step, all probation officers reviewed each of their cases and classified them based on their scores on the Risk Prediction Index (RPI). Each case was then designated high, medium, low, or administrative activity based on the RPI score. The second step involved training both supervisors and officers on how to properly enforce the standards. As a third step, probation management will evaluate the new standards at the end of fiscal year 2010.

Other steps have been implemented, including a requirement that probation officers with caseloads perform a minimum of 32 hours of field work each month. Officers have been directed to investigate and report noncompliance to the court immediately. The office has also performed several high-intensity field projects focused on addressing noncompliance issues with the highest risk offenders.

The probation office also created a Computer Internet Monitoring Program(CIMP) and promoted three officers to the position of Special Offender Coordinators. Two of these officers have been trained to operate a forensic lab and perform forensic inspections of computers where there is a special search condition. The third officer will serve as a treatment program specialist for sex-offenders.

The probation office has a sex offender working group that includes all officers who supervise sex offenders. They meet quarterly to discuss patterns, strategies, and other supervision issues. Additionally, officers have been trained on how to perform community observation (surveillance) and use all available databases provided by the AOUSC.

Four classes of active supervision cases have been established in the probation office: High, Medium, Low, and Administrative. A fifth category exists of inactive Immigration and Customs Enforcement cases where deportation has been verified and warrant cases. Ideally, a generalist probation officer will not have more than 5 to 10 percent of his or her caseload categorized as a high-activity case. Specialists, who have smaller caseloads, will obviously have a higher percentage. The majority of a generalists caseload will be made up of medium-activity cases with probation officer assistants having the majority of low-activity and administrative cases. **See:** Appendix C, Post-Conviction Supervision Standards, Northern District of California.

POTENTIAL NATIONAL POLICY CHANGES

Policy development and improvement is a continual process. The AOUSC's Office of Probation and Pretrial Services (OPPS) has been looking at policies related to general supervision practices and the management of sex offenders in reference to research-driven decision-making. As a result of this continual evaluation and improvement, the following changes are under consideration and will be submitted to the Criminal Law Committee in 2011.

Supervision Practices

In July 2008, the AOUSC Director appointed the ad hoc Sex Offender Management Working Group--made up of 16 probation and pretrial services officers and specialists and staff from the Federal Judicial Center and the OPPS--to update policies related to the supervision of sex offenders.

The working group has set a goal to develop enhanced sex offender management policies in the areas of pretrial services, presentence investigations, and post-conviction supervision. It also has collaborated with the Location Monitoring Working Group to address specific risk control activities for high-risk and violent offenders.

The working group has focused on sex offender supervision practices using the widely accepted "Containment Model." The model requires the officer, in supervising someone classified as a sex offender, to be involved with local and community law enforcement, specialized sex offense treatment personnel, polygraph examiners, and community support networks. The proposed policy gives the officer guidance in such areas as:

- Disclosing information to third parties;
- Initiating risk management strategies;
- Identifying dynamic and static risk factors;
- Supervising high-risk offenders;
- Supervising offenders of undetermined risk;
- Using computer monitoring and forensics;
- Assessing reasonable risk versus specific third-party risk;
- Collaborating with community support networks;
- Using search and seizure appropriately;
- Using specialized sex offense treatment; and
- Using the polygraph as a supervision tool.

Assuming that the proposed policy is approved by the Criminal Law Committee and the Judicial Conference, a comprehensive training program will accompany the implementation of the new policy guidance in 2011. The AOUSC plans to offer regional training seminars, a national conference, and an updated curriculum at the National Training Academy to help officers understand and implement the new policy.

Search and Seizure

The Judicial Conference of the United States issued Model Search and Seizure Guidelines in 1993. Those guidelines, which were in effect during the federal supervision of Philip Garrido, disfavored searches and were silent on when a search may be appropriate.

New guidelines were approved by the Judicial Conference in September 2010. The new guidelines recognize searches as an appropriate supervision tool when less intrusive methods would not adequately protect the public. The guidelines provide for new reporting procedures, training and set out specific factors for probation officers to consider when recommending, initiating, or conducting a search. Training on the new search guidelines will begin during 2011.

APPENDICES

Appendix A: Time Line of Legal Events Surrounding Phillip Garrido

Appendix B: Federal Statutory Changes Related to Sex Offender Registration

Appendix C: Post-Conviction Supervision Standards, Northern District of California

Appendix A

TIME LINE OF LEGAL EVENTS SURROUNDING PHILLIP GARRIDO

(Underlined dates indicate that the events transpired while Garrido was under federal supervision.)

May 1970	Phillip Garrido is convicted of possession of marijuana and LSD. He receives probation.
March 1972	Garrido is convicted of possession of marijuana and visiting a place where drugs are used. He receives 90 days jail and probation.
April 1972	Garrido is arrested for Contributing to the Delinquency of a Minor, Possible Rape, and Adult Providing Dangerous Drugs to a Minor. Case is dismissed for "furtherance of justice."
November 1976	Garrido is arrested for kidnapping (the federal offense) and rape in Reno, Nevada.
December 1976	Garrido is charged with Rape and Kidnapping for a crime that allegedly occurred in El Dorado County, California, in June 1976.
March 1977	Garrido is convicted on federal kidnapping charges stemming from the November 1976 arrest. He is sentenced to 50 years imprisonment.
April 1977	Garrido is convicted of forcible rape by State of Nevada. He is sentenced to 5 years to life.
April 1977-January 1988	Garrido is incarcerated in federal prison.
January 1988	Garrido is paroled from federal prison and transferred to the Nevada Department of Prisons.
January-August 1988	Garrido is incarcerated in Nevada State Prison.
August 1988	Garrido is paroled from Nevada State Prison and placed in a community treatment center under the jurisdiction of the Federal Bureau of Prisons.
December 16, 1988-	Garrido is supervised by the U.S. Probation Office - CA/N
June 10, 1991	Garrido allegedly kidnaps Jaycee Dugard from South Lake Tahoe, California.

March 18, 1993	Garrido fails to comply with drug testing, treatment, and appointments with the probation officer. U.S. Parole Commission issues a warrant at the request of the probation office.
April 1, 1993	Garrido is arrested on the U.S. Parole Commission warrant.
May 10, 1993	Garrido is placed on 120 days of electronic monitoring (Radio Frequency; administered by third-party contractor through the Federal Bureau of Prisons)
September 6, 1993	Garrido is released back to the supervision of the Northern District of California probation office.
March 9, 1999	U.S. Parole Commission terminates Garrido's federal parole supervision early.
June 8, 1999	State of California begins parole supervision of Garrido per interstate compact with State of Nevada.
June 9, 1999	Garrido registers with the State of California as a sex offender.
April 14, 2008	State of California begins GPS monitoring of Garrido.
August 26, 2009	Garrido and his wife are arrested for kidnaping and sexually assaulting Jaycee Dugard.

Appendix B

FEDERAL STATUTORY CHANGES RELATED TO SEX OFFENDER REGISTRATION

1994 - Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act - Enacted as a part of the Omnibus Crime Bill of 1994, this Act:

- Established guidelines for states to track sex offenders.
- Required states to track sex offenders by confirming their place of residence annually for 10 years after their release into the community or quarterly for the rest of their lives if the sex offender was convicted of a violent sex crime.

1996 - Megan's Law - During the mid-1990's, every state, along with the District of Columbia, passed a Megan's Law. In January 1996, Congress enacted the federal Megan's Law that:

- Provided for public dissemination of information from states' sex offender registries. Information collected under state registration programs could be disclosed for any purpose permitted under a state law.
- Required state and local law enforcement agencies to release relevant information necessary to protect the public about persons registered under a state registration program established under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

1996 - Pam Lychner Sex Offender Tracking and Identification Act of 1996 - This Act:

- Required the Attorney General to establish a national database (the National Sex Offender Registry, or NSOR) by which the FBI could track certain sex offenders.
- Mandated certain sex offenders living in a state without a minimally sufficient sex offender registry program to register with the FBI.
- Required the FBI to periodically verify the addresses of the sex offenders to whom the Act pertains.
- Allowed for the dissemination of information collected by the FBI necessary to protect the public to federal, state, and local officials responsible for law enforcement activities or for running background checks pursuant to the National Child Protection Act (42 U.S.C. §5119, et. seq.).
- Set forth provisions relating to notification of the FBI and state agencies when a certain sex offender moved to another state.

1997 - Jacob Wetterling Improvements Act - Passed as part of the Appropriations Act of 1998, this Act took several steps to amend provisions of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Pam Lychner Sex Offender Tracking and Identification Act, and other federal statutes. This Act:

- Changed the way in which state courts make a determination about whether a convicted sex offender should be considered a sexually violent offender to include the opinions not just of sex offender behavior and treatment experts, but also of victims rights advocates and law enforcement representatives.

- Allowed a state to impart the responsibilities of notification, registration, and FBI notification to a state agency beyond each state's law enforcement agency, if the state so chose.

- Required registered offenders who change their state of residence to register under the new state's laws.

- Required registered offenders to register in the states where they worked or went to school if those states were different from their state of residence.

- Directed states to participate in the National Sex Offender Registry.

- Required each state to set up procedures for registering out-of-state offenders, federal offenders, offenders sentenced by court martial, and non-resident offenders crossing the border to work or attend school.

- Allowed states the discretion to register individuals who committed offenses that did not include the Act's definition of registerable offenses.

- Required the Bureau of Prisons to notify state agencies of released or paroled federal offenders.

- Required the Secretary of Defense to track and ensure registration compliance of offenders with certain UCMJ convictions.

1998 - Protection of Children from Sexual Predators Act - This Act:

- Directed the Bureau of Justice Assistance to carry out the Sex Offender Management Assistance (SOMA) program to help eligible states comply with registration requirements.

- Prohibited federal funding to programs that gave federal prisoners access to the Internet without supervision.

2000 - Campus Sex Crimes Prevention Act - Passed as part of the Victims of Trafficking and Violence Protection Act, this Act:

- Required any person who was obligated to register in a state's sex offender registry to notify the institution of higher education at which the sex offender worked or was a student of his or her status as a sex offender; and to notify the same institution if there was any change in his or her enrollment or employment status.

- Required that the information collected as a result of this Act be reported promptly to local law enforcement and entered promptly into the appropriate state record systems.

- Amended the Higher Education Act of 1965 to require institutions obligated to disclose campus security policy and campus crime statistics to also provide notice of how information concerning registered sex offenders could be obtained.

2003 - Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act - This Act:

- Required states to maintain a web site containing registry information, and required the Department of Justice to maintain a web site with links to each state web site.

- Authorized appropriations to help defray state costs for compliance with new sex offender registration provisions.

2006 - Adam Walsh Child Protection and Safety Act - This Act:

- Created a new baseline standard for jurisdictions to implement regarding sex offender registration and notification.

- Expanded the definition of "jurisdiction" to include 212 federally-recognized Indian Tribes, of whom 197 have elected to start up their own sex offender registration and notification systems.

- Expanded the number of sex offenses that must be captured by registration jurisdictions to include all state, territory, tribal, federal, and UCMJ sex offense convictions, as well as certain foreign convictions.

- Created the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) within the Department of Justice, Office of Justice Programs, to administer the standards for sex offender notification and registration, administer the grant programs authorized by the Adam Walsh Act, and coordinate related training and technical assistance.

- Established a Sex Offender Management Assistance (SOMA) program within the Justice Department.

2007 - Department of Justice, Office of the Attorney General, Applicability of the Sex Offender Registration and Notification Act (SORNA) (28 CFR, Part 72), February 28, 2007 - Federal regulation passed to specify that SORNA's registration requirements are retroactive.

2008 - Keeping the Internet Devoid of Predators Act (KIDS Act) October 13, 2008 - This Act:

- Amended SORNA to require registration jurisdictions to register Internet Identifiers.

- Exempted Internet Identifiers from disclosure on any registration jurisdiction's public sex offender registry website.

Appendix C

POST-CONVICTION SUPERVISION STANDARDS, NORTHERN DISTRICT OF CALIFORNIA (as provided by the Northern District of California)

Overview

There are four classes of active supervision cases in the NDCA- High, Medium, Low and Admin. A fifth category exists of inactive cases. These are ICE cases where deportation has been verified as well as warrant cases. Ideally a generalist officer will not have more than 5-10% of his or her caseload categorized as a high activity case. Specialists, with their lower caseload numbers, etc. will obviously have a higher percentage. The majority of a generalist's caseload will be made up of medium activity cases with POAs having the vast majority of low activity and Admin cases.

High Activity Cases

Definition: All sex offenders, active gang members, offenders with severe mental health or substance abuse problems, active home confinement cases, and other cases as needed. After one year on supervision, case can be reclassified by the SUSPO and USPO depending on performance.

Activities: Personal or collateral contact 6 times in 6 months, at least four in the field. Attempts do not count. Standard supervision activities, i.e., case plans per 109, rap sheet review, treatment referrals, testing, etc.).

Medium Activity

Definition: Medium Risk offenders- all felony title 21 offenses not categorized as high activity, those with RPIs 5 and higher not categorized as high activity. All offenders actively in treatment that are not high activity. Would be the majority of a generalist's caseload.

Activities: Personal or collateral contact 4 times in 6 months, at least 2 of which are in the field. Attempts do not count. (standard supervision activities, ie., case plans per 109, rap sheet review, treatment referrals, testing, etc.)

Low Activity

Definition: Low risk offenders, i.e. those with RPIs of 2 and below. Offender who has demonstrated compliance during supervision, satisfied treatment conditions, making regular payments on fine/restitution, working on CSW, offense did not involve crime of violence or firearm. Cases with high RPIs, history of violence, etc. are generally not cligible. Exceptions can be approved by SUSPO and USPO. Would generally be supervised by a POA.

Activities: Personal or collateral contact two times every 6 months. Preferably in the field. Offenders should not actively be in treatment, other standard supervision activities would apply.

Administrative Activity

Definition: Low Intensity Cases as defined in Monograph 109

Activities: Minimal activities- no case plan after designated as Administrative Case. Periodic record checks, review of MSRs, etc. Supervised by a POA.

Re-Entry Duties and expectations

- USPO meets with Inmate prior to release to activate the case, generally 120 days prior to release. If not releasing from RRC, documents reviewed 30 days prior to release.

- At least one subsequent face to face 10-60 days prior to release to verify release plan and address issues

- Upon release, USPO meets with offender within 5 working days of release and conditions are reviewed. If treatment is needed, it is set up at this time. ICSP interview done

- ICSP is completed within 30 days of release (60 days allowed if the offender arrives at RRC less than 30 days prior to release).

Classification and Reclassification

A case will be classified as high, medium, low, or admin activity level at the time the Inital Case Plan is finalized. The USPO will recommend the activity level with SUSPO approval. The activity level will be documented with a canned chrono so that reports can be generated from PACTS using the chrono code.

A case can have its activity level re-classified during the case planning process or when appropriate and agreed upon by the POA/USPO and SUSPO.

Violation behavior involving new criminal activity will automatically move a case from Admin Activity level to either low, medium or high activity level depending on the circumstances.

Standard supervision duties and expectations- Initial and revised case plans completed and submitted on time by USPO/POA

- Initial case plans reviewed and finalized by SUSPO within 2 weeks of submission

- Home inspection of residence for new releases completed within 30 days of commencing supervision.

- Violation behavior reported to the court in a timely manner per chapter V of Monograph 109

- Offenders referred into treatment/testing per treatment policy/guidelines. Deviations from guidelines will be supported in chronos and other supporting documentation, i.e., TCUDS. Waivers of requirement to test/participate in treatment staffed with SUSPO and chronoed.

- Chronos updated as needed. Generally within 72 hours of action.

- Home inspection of new residence (move) completed within 30 days.

- All offenders orientated to conditions of release/probation/parole within 5 days of release unless holidays/weekends/offender travel from BOP make this impossible. Orientation then completed ASAP.

- Rap sheets reviewed via ATLAS after first 6 months on supervision, and annually thereafter. Final review 60 days prior to expiration.

- Third party risk re-evaluated when there is a change in residency, employment, or significant changes in personal relationships.

- MSRs reviewed, changes noted, and receipt is chronoed in PACTS by 20th of the month.

- HC/Location monitoring conditions implemented within 15 working days of condition being added/supervision started.

ATTACHMENT # 11

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA
PROBATION OFFICE

LOREN A.N. BUDDRESS
CHIEF PROBATION OFFICER

U.S. COURT HOUSE
450 GOLDEN GATE AVENUE
SUITE #18400
POST OFFICE BOX 36057
SAN FRANCISCO, CA 94102-3487

TEL: 415-556-0200
FAX: 415-556-6351



PLEASE REPLY TO:

1330 BROADWAY
SUITE #400
OAKLAND, CA 94612-2504

TEL: 510-273-7100
FAX: 510-273-6350

March 15, 1993

Commissioner
U. S. Parole Commission
525 Griffin Street, Suite 820
Dallas, TX 75202-5097

RE: GARRIDO, Phillip
Reg. No. 36377-136
WARRANT REQUEST

Sir:

The above parolee has been under the supervision of this office since his release from federal custody on December 16, 1988. He has an expiration date of 2027.

Up until approximately two months ago, the parolee appeared to be doing generally well. He has been in psychological therapy since his release and had cooperated fully in all aspects of his supervision. He had been prescribed lithium to eliminate mood swings, and he appeared to be taking the medication as prescribed.

More recently his wife has been calling in cancelling scheduled appointments with the probation officer, citing transportation problems. He had standing appointments with the undersigned every other Wednesday. Numerous home visits were unsuccessful due to no answer at the door. The family car was in the driveway each time we attempted home contact.

It is alleged that the parolee violated parole conditions as follows:

Charge 1. That he violated condition number 5 in that on or about February 10, 1993 he failed to report to the probation officer as directed.

Charge 2. That he violated condition number 5 in that on or about February 26, 1993 he failed to report to the probation officer as directed.

Charge 3. That he violated condition number 5 in that on or about March 10, 1993 he failed to report to the probation officer as directed.

Charge 4. That he violated a special parole condition in that he failed to report for urinalysis testing as directed.

Charge 5. That he violated a special condition of parole in that on or about March 12, 1993 he failed to report for drug aftercare counseling as directed.

The crime for which the parolee was sentenced was extremely violent and he poses a considerable risk to the community at this time. He has very serious psychological problems which increase the risk to the community.

It is recommended that a parole warrant be issued as soon as possible.

Sincerely,

[redacted]

Senior U. S. Probation Officer

[redacted]

REVIEWED AND APPROVED BY:

[redacted]

Supervising U. S. Probation Officer

4-1-93 Subj arrested by US Marshall. JJL

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA
PROBATION OFFICE

LOREN A.N. BUDGRESS
CHIEF PROBATION OFFICER

U.S. COURT HOUSE
450 GOLDEN GATE AVENUE
SUITE #18400
POST OFFICE BOX 36057
SAN FRANCISCO, CA 94102-3487

COM:415-556-0200
FTS: 556-0300
FAX: 415-556-6351

PLEASE REPLY TO:

1330 BROADWAY
SUITE #400
OAKLAND, CA 94612-2504

COM:415-273-7101
FTS: 536-7101
FAX: 415-273-6250

April 14, 1993

RE: Garrido, Phillip
REG. NO: 36377-136

CONFIDENTIAL RECOMMENDATION

The charges against Mr. Garrido are basically technical violations and he has been in custody since April 1, 1993. Additionally, Mr. Garrido has resources in the community and has expressed extreme remorse and regret for committing the aforementioned violations. It appears that his recent incarceration has had a powerful and positive impact on his. Accordingly, it is recommended that the parolee be released back to the community at the earliest possible time, and placed on electronic monitoring as an appropriate sanction..

Respectfully submitted,

[redacted]

U.S. PROBATION OFFICER

[redacted]

REVIEWED AND APPROVED BY:

[redacted]

SUPERVISING U.S. PROBATION OFFICER

U.S. Department of Justice
United States Parole Commission

525 Griffin Street, Suite 820
Dallas, Texas 75202

April 30, 1993

Warden
FDC Dublin

Re: GARRIDO, Phillip
Reg. No. 36377-136

Dear Sir:

Please withdraw the warrant issued on March 18, 1993 on the above-named subject, and return all materials to our office.

Effective 04-29-93 , Commissioner Getty issued an order on the above named subject which reads:

Release forthwith. Withdraw warrant dated March 18, 1993. Reinstate to supervision with the drug aftercare condition and electronic monitoring for 120 days.

A copy of our Notice of Action is attached for your files.

Your cooperation is appreciated.

Sincerely,

[redacted]
Case Analyst

cc: USPO [redacted]
Oakland, CA
File/Chrono

SO/mg

ATTACHMENT # 12

ATTACHMENT #12

To view attachment #12 please go to:

http://www.co.el-dorado.ca.us/Government/ELDODA/Press_Releases.aspx

(attached to press release entitled "*El Dorado County District Attorney's Office Findings Re Jaycee Lee Dugard Case*")

ATTACHMENT # 13

FAX TRANSMISSION

STATE OF NEVADA
DEPARTMENT OF PRISONS
DIVISION OF PAROLE & PROBATION
1445 Hot Springs Road Suite 104
Carson City, NV 89710
(775) 687-5040
Fax: (775) 687-5402

R14648
Concord

To: CALIFORNIA ISC - PAROLE Date: 6/8/99

Fax #: [redacted] Pages: X including this cover sheet.
86

From: [redacted] - NV ISC

Subject: GARRIDO, PHILLIP

COMMENTS: Yesterday this Division requested emergency reporting instructions on the above subject but was denied by your agency. Subject was supervised by U.S. District Parole and Probation in California since 1/88. Since your agency does not provide dual supervision our agency had to monitor the subject through his U.S. P&P Officer [redacted] (Progress Report attached). Since granted parole the subject has complied with parole requirements and displayed a stable lifestyle. Subject has married and he is a self-employed graphics design artist and printer. According to Officer [redacted] the business is legitimate and successful. Subject continues to receive treatment and medication from a psychiatrist, Dr. [redacted]. Due to subject's positive parole performance the U.S. Parole Commission granted the subject an early termination from parole. The subject has continued to receive mental health treatment and reside at the same residence since 1988. Ordering the subject to return to Nevada to await acceptance from your state would be disruptive and unproductive for the subject who has managed to change his behavior. Please reconsider your decision.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA
PROBATION OFFICE

LOREN A.N. BUDDRESS
CHIEF PROBATION OFFICER

U.S. COURT HOUSE
450 GOLDEN GATE AVENUE
SUITE #17-8868
POST OFFICE BOX 36057
SAN FRANCISCO, CA 94102-3487

TEL: 415-436-7540
FAX: 415-436-7572

PLEASE REPLY TO:

1301 CLAY STREET
SUITE 220S
OAKLAND CA 94612-5206

TEL 510-637-3600
FAX 510-637-3625

May 17, 1999

Mr. Phillip Craig Garrido
1554 Walnut Ave.
Antioch, CA 94509

Dear Mr. Garrido:

This letter is intended to confirm the **Early Termination** of your term of Parole effective March 9, 1999. You will be happy to know that you are no longer obligated to report to the U.S. Probation Office.

I want to thank you for your cooperation over this period of supervision and I hope that you will continue to do well.

If there is anything we can help you with in the future, do not hesitate to contact our office.

Best Regards,

[redacted]
Sr. U.S. Probation Officer

MM\rmv

VDC-43

To the Nevada Parole Commission,

This letter is to inform the Parole Commission that I Phillip Garrido was released from the Federal Sentence and all supervision completely.

The reason for my release 26 years early, was due to the complete recovery and successful reorientation back into the community. Years of hard work went into this recovery. At this point every professional involved in my case recognized any further supervision would no longer be of any benefit to me, and so I was released back into the community under no supervision.

At this point it is obvious to me and the professionals handling this case that I will receive no benefit from continued supervision, but in fact is nothing more than a poor reminder of what I have been told to put behind me, thus physiologically and realistically is of no further benefit to my success.

I sign under duress, because of the threat that Nevada would for no other reason violate my parole.

Bottom line is if Nevada would of been the one to supervise my parole it is now becoming obvious that they do not have the resources nor the desire to truly help people orientate back into society for under your present system I would have fallen through the cracks. On the other hand the Federal Government has the resources and stayed on my back until they were able to isolate a bi-chemical problem.

So now after all this you're informing me the reason for this continued supervision is to help me back into society. Frankly your laws are outdated and need to be reviewed by professional psychologist and the Federal Government.

[redacted]

[redacted], M.D.
A MEDICAL CORPORATION

DIPLOMATE AMERICAN BOARD OF PSYCHIATRY AND NEUROLOGY

DIPLOMATE AMERICAN BOARD OF INTERNAL MEDICINE

11/17/97

[redacted],
Parole Officer
Fax: [redacted]

Re: Phil Garrido

I have been treating Phil Garrido since 9/22/93. He has always had complete compliance with treatment. He is in treatment for dysthymia and attention deficit disorder. His response to treatment is excellent. His prognosis is excellent. He will require chronic psychiatric follow-up to manage his illness and is happy to do so because of his complete remissi[illegible] I do not suspect he will ever be at risk for violence. Please contact me if needed.

Sincerely,

[redacted] MD

ATTACHMENT # 14



SPECIAL REPORT

THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S SUPERVISION OF PAROLEE PHILLIP GARRIDO

OFFICE OF THE INSPECTOR GENERAL

DAVID R. SHAW
INSPECTOR GENERAL

STATE OF CALIFORNIA
NOVEMBER 2009

David R. Shaw, Inspector General

Office of the Inspector General

November 4, 2009

Matthew L. Cate, Secretary
California Department of Corrections and Rehabilitation
1515 S Street, Room 502 South
Sacramento, California 95814

Dear Mr. Cate:

Enclosed is the Office of the Inspector General's special report of the California Department of Corrections and Rehabilitation's (department) parole supervision of parolee Garrido. We conducted this review under the authority of California Penal Code section 6126, which assigns the Office of the Inspector General responsibility for oversight of the department.

The special report concludes that the department repeatedly failed to properly classify and supervise parolee Garrido during the decade it supervised him. Throughout the course of its supervision of Garrido, we found that the department missed numerous opportunities to discover Garrido's victims, who Garrido held captive in a concealed compound at the back of his residence. We discovered that the department also failed to properly supervise and train its parole agents responsible for Garrido. The special report further discloses significant weaknesses in the department's current passive GPS monitoring program, which result in the program providing the public a false sense of security.

We would like to thank you and your staff for the cooperation extended to my staff in completing this special report. If you have any questions concerning this report, please contact Sam Dudkiewicz, Chief Assistant Inspector General, Bureau of Criminal Investigations, at (916) 830-3600.

Sincerely,

David R. Shaw
Inspector General

Enclosure

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Executive Summary

On June 10, 1991, federal parolee Phillip Garrido and his wife Nancy allegedly kidnapped 11-year-old Jaycee Dugard from South Lake Tahoe, California. Over the course of the following 18 years, Garrido reportedly sexually assaulted Jaycee–fathering two children–while holding her captive on the grounds of his residence in Antioch, California. For many of those years, the California Department of Corrections and Rehabilitation's (department) parole division supervised Garrido. Despite numerous clues and opportunities, the department, as well as federal and local law enforcement, failed to detect Garrido's criminal conduct, resulting in the continued confinement and victimization of Jaycee and her two daughters. On August 26, 2009, Garrido and his wife were finally arrested for these heinous crimes, and Jaycee was reunited with her family.

Findings in Brief

The Office of the Inspector General finds that during the 10-year period the department supervised parolee Garrido, the department:

- Failed to adequately classify and supervise Garrido.
- Failed to obtain key information from federal parole authorities.
- Failed to properly supervise parole agents responsible for Garrido.
- Failed to use GPS information.
- Provides the public a false sense of security with a passive GPS monitoring program that falls short of its potential, raising OIG's concerns about the department's current and future uses of GPS monitoring.
- Ignored other opportunities to determine that Garrido was violating the terms of his parole.
- Failed to refer Garrido for mental health assessment.
- Failed to train parole agents to conduct parolee home visits.
- Missed opportunities to discover the existence of Garrido's three victims, including:
 - Failing to investigate clearly visible utility wires running from Garrido's house towards the concealed compound.
 - Failing to investigate the presence of a 12-year old female during a home visit.
 - Failing to talk to neighbors or local public safety agencies.
 - Failing to act on information clearly showing Garrido had violated his parole terms.

In 1977, Garrido was convicted in state and federal court for kidnapping and repeatedly raping a 25-year-old female victim. The federal court sentenced him to 50 years for kidnapping while Nevada imposed a five years to life term for forcible rape. In January 1988, after serving 11 years of his federal sentence, the federal government paroled Garrido and released him to Nevada authorities to serve his state sentence. Seven months later, Nevada paroled Garrido, returning him to the jurisdiction of federal parole authorities to serve the remainder of his federal parole term. He resided at his mother's house in Antioch, California throughout the terms of his federal and state paroles. In March 1999, the federal government discharged Garrido from federal parole, returning him to the jurisdiction of Nevada parole authorities. In June 1999, under the terms of an interstate parole compact, the department assumed parole supervision of Garrido on Nevada's behalf because Garrido resided in California.

On August 27, 2009, the day after the arrest of Garrido and his wife, the department held a press conference in which an official hailed the diligence of parole agents who had supervised Garrido. The official also proclaimed that Garrido had complied with his parole conditions, never receiving a violation. Other department officials have made similar public statements. While it is true that Garrido's California parole was never officially violated, our review shows that Garrido committed numerous parole violations and that the department failed to properly supervise Garrido and missed numerous opportunities to discover his victims.

The focus of this special report is limited to the department's parole supervision of Garrido. However, it should be noted that Garrido was on parole under the jurisdiction of federal parole authorities from August 1988 to January 1999. During that time, Garrido allegedly kidnapped Jaycee Dugard and sexually assaulted her, fathering two children. Federal parole authorities also failed to detect Garrido's criminal conduct and his victims.

Recommendations

In this special report, the Office of the Inspector General shines a public light on systemic problems that transcend parolee Garrido's case and jeopardize public safety. To address the deficiencies identified in this special report, the department should take the following actions:

Parole Supervision

- Enforce appropriate standards for parole agents to properly supervise assigned parolees and for parole supervisors to properly supervise parole agents.
- Ensure that all sex offender parolees have been correctly assessed for their risks to re-offend using the department's revised assessment tool.
- Require parole agents to obtain parole information from federal or other state parole authorities when a parolee has been recently supervised by these entities.
- Establish a mechanism to obtain and share information with local public safety agencies.

GPS Monitoring

- Develop and implement a comprehensive Global Positioning System (GPS) monitoring policy.
- Move all sex offender parolees to the active GPS monitoring program, or significantly enhance the passive GPS monitoring program.
- Require parole agents to fully use the capabilities of the GPS monitoring system, such as establishing a zone to monitor parolees' compliance with conditions of parole that they not travel more than specified distances from their houses without prior approval.
- Require parole agents to investigate, resolve, and record the resolution to all GPS system alerts.

Training

- Provide training to its parole agents and supervisors on:
 - Using its GPS monitoring system to ensure that parolees comply with their conditions of parole and taking appropriate actions to ensure that parole agents use the system to enforce the conditions of parole.
 - Properly classifying parolees, including serious sex offenders.
 - Conducting a parolee home inspection, including search techniques on how to be aware of clues to potential parole violations or other criminal behavior.
 - Contacting neighbors to obtain collateral information on parolee behavior.
 - Referring parolees to mental health assessment when appropriate.
- Implement a field training officer program to provide on-the-job training to parole agents after they complete the academy and have been assigned parole caseloads.

California Department of Corrections and Rehabilitation Response

The department agrees that it needs to improve its parole system, describes its efforts to transform parole into a risk-based system of supervision, and makes reference to recent legislation that will become effective January 25, 2010, which will enable the department to reduce parole agent caseloads and supervisory span of control.

Introduction

On June 10, 1991, in South Lake Tahoe, at approximately 8:00 am, 11-year-old Jaycee Dugard walked to a nearby bus stop under the observation of her stepfather. He observed a two-tone gray sedan, with an adult male and an adult female inside, travel by his house. The vehicle made a U-turn and moments later stopped near Jaycee. The female passenger grabbed Jaycee and pulled her into the vehicle. The vehicle then sped away.

Over the course of the following 18 years and despite law enforcement efforts, Jaycee's whereabouts remained unknown until a series of events unraveled beginning August 24, 2009. On that date, Phillip Garrido, along with two young females, went to the University of California (UC), Berkeley Police Department to obtain a permit for a campus event. The representative with whom Garrido spoke was alarmed by his peculiar behavior and the disquieting appearance of the girls. She asked Garrido to return the next day.

Surprisingly, he did return on August 25 and met with the representative and a UC Berkeley police officer. The police officer, like the representative, had concerns about Garrido and the girls accompanying him. The officer stated that Garrido was rambling on and on about his religious beliefs, and that it sounded like a cult situation to her. According to the officer, Garrido appeared to have a mental illness, and if he was required to take medication, she said, it was apparent he was not. Because of his sex offender status, the officer was also concerned for the safety of the two young girls accompanying Garrido. The officer noted that the girls, who called Garrido "daddy," and whom Garrido referred to as his daughters, acted as if Garrido's strange behavior was normal. As a result, the officer called Garrido's parole agent to report her meeting with Garrido and relay her concern. Unfortunately, the officer was unable to talk to the parole agent but left him a voicemail explaining her observations.

Following up on the officer's information, Garrido's parole agent later that day went to Garrido's residence with another agent. The parole agents handcuffed Garrido and detained him outside the residence while they searched the house. The parole agents found Garrido's wife and mother in the residence but no one else. The agents then drove Garrido to the parole office for questioning. During the trip, Garrido explained that the girls who accompanied him to UC Berkeley were the daughters of a relative and that he had permission from their parents to take them to the university. Garrido told the parole agents that a parent had picked up the girls when he returned from UC Berkeley.

At the parole office, Garrido's parole agent reviewed Garrido's parole file with a supervisor. Taking into account Garrido's cooperation, along with the information in Garrido's file and other information they obtained, the parole agent and supervisor determined that Garrido had not violated any conditions of his parole. A new condition had been instituted in Garrido's parole the month before, in July 2009, prohibiting Garrido from being in the presence of minors, but on August 25, the parole agent and supervisor decided that the condition didn't apply to Garrido because Garrido had no prior or current convictions involving minors. Accordingly, the parole agents returned Garrido to his house with instructions to report to the

parole office the following day to further discuss his visit to UC Berkeley and to follow up on the parole agent's concerns related to the young girls.

The next morning, August 26, 2009, as Garrido arrived at the parole office, the parole agent spoke with the UC Berkeley police officer, thereby obtaining a more detailed description of her interaction with Garrido and her concern about the safety of the two young girls. The parole agent was surprised at the officer's description of the girls' relationship with Garrido because the agent believed that Garrido had no young children.

As the parole agent was on the phone with the officer, he observed that Garrido was accompanied by his wife and three young girls. After completing his conversation with the officer, Garrido's parole agent wisely isolated the females–including Garrido's wife–to identify them. The oldest of the three young females identified herself as Alyssa, the second oldest as Angel, and the youngest as Starlet. During further questioning, Alyssa advised that she was the girls' mother. The parole agent believed that Alyssa looked too young to be the mother and asked her age. Alyssa said that she was 29 years old, laughingly explaining that she often gets that comment and that people believe she is the girls' sister.

As the parole agent continued his questioning, Alyssa and Garrido's wife became defensive and agitated, wanting to know why the parole agent was interrogating them. The parole agent explained that he was investigating Garrido's visit to UC Berkeley with the two young girls. Alyssa said she was aware that Garrido had taken the girls to UC Berkeley and that he was a sex offender who was on parole for kidnapping and raping a woman. She added that Garrido was a changed man and a great person who was good with her kids. Alyssa subsequently stated that she didn't want to provide any additional information and that she might need a lawyer.

The parole agent then directed Garrido to a room and asked him to explain the relationship of the three young girls. Garrido thought for a moment and responded that they were all sisters and that the father was his brother who lived nearby in Oakley, California. Garrido stated that the parents were divorced, the girls were living with them and other people, and he did not know his brother's address or phone number.

Because of the inconsistencies in their stories, the parole agent isolated Garrido in an office with another parole agent and returned to the females. The parole agent told Alyssa that she needed to provide him with identification or with the phone number of a relative or friend whom he could call for verification of her identity. Alyssa told the parole agent that she had learned a long time ago not to carry or give any personal information to anyone. When questioned about this comment, Alyssa responded that she needed a lawyer.

Being suspicious about the identities provided, the parole agent called the Concord Police Department and requested an officer respond to assist in the questioning. As they waited for the officer to arrive, Alyssa said she was sorry that she had lied. She explained that she was from Minnesota and had been hiding for five years from an abusive husband. She was terrified of being found, she said, and that was the reason she could not give the parole agent any information.

Two Concord police officers arrived and questioned Alyssa, but she maintained the story she had provided earlier to the parole agent. Finally, a Concord police sergeant interviewed Garrido alone in a room. After a short while, the sergeant told the parole agent that Garrido had admitted that he was the father of the two girls. The parole agent then resumed questioning Garrido. Eventually, Garrido admitted to kidnapping and raping Alyssa. The parole agent provided this information to the Concord police sergeant. During further questioning, Alyssa identified herself as Jaycee Dugard and confirmed that she had been kidnapped and raped by Garrido. Police officers subsequently arrested Phillip and Nancy Garrido on numerous felony charges.

Garrido and his wife allegedly kidnapped Jaycee and held her hostage for almost two decades. During that time, Garrido kept Jaycee and the two children in makeshift structures located at the rear of his one-half acre residence in Antioch, California, as shown in Figure 1 below. In addition to kidnapping, Garrido's crimes reportedly included repeated sexual assaults of Jaycee, resulting in the birth of her two daughters.

The Office of the Inspector General became aware of the Garrido case through media coverage of his arrest and the discovery of Jaycee Dugard and her two daughters. We routinely review the effectiveness of department operations, including the parole division, when we become aware of significant cases. We conduct these reviews under the authority of California Penal Code section 6126, which assigns the Office of the Inspector General responsibility for oversight of the department. Accordingly, in September 2009–after Garrido was arrested–we worked collaboratively with the department, local law enforcement agencies, and the El Dorado County District Attorney's Office to complete this review. The department provided its full cooperation throughout our review, providing documents–including its August 2009 internal review of its supervision of Garrido, a review that reached conclusions similar to ours–and insights into its parole operations.

Figure 1: Garrido's residence in Antioch, California

Adjacent lots. The lines dividing property lots and indicating the back yard fence were added by the Office of the Inspector General.



Garrido lot.



Source: GoogleMaps; © 2009 Google - Imagery © 2009 TerraMetrics, NASA, Map data © 2009 Google

Background

Parolee Information

In 1977, Phillip Craig Garrido was convicted in federal court of kidnapping a female in South Lake Tahoe and convicted in Nevada for raping her. According to court documents, Garrido approached the victim outside of a store at approximately 7:30 p.m. on November 22, 1976. Garrido asked for a ride, explaining that his car was disabled. The victim agreed to help Garrido. After driving for a short time, Garrido instructed the victim to turn the vehicle into an empty lot, where he grabbed her, handcuffed her hands behind her back, and placed a leather strap around her neck and under her knees in order to keep her in a bent-over position which concealed her from view. Garrido drove the victim approximately one hour to a storage shed that he maintained in Reno, Nevada. Over a six-hour period, Garrido repeatedly sexually assaulted the victim in the modified shed, which had evidently been set up in advance for this purpose. At approximately 3:00 a.m. the next morning, a police officer on routine patrol noticed a broken lock on the door to the shed and investigated. In the sequence of events that followed, the police officer rescued the victim and arrested Garrido, who was charged with kidnapping and rape. In a post-arrest interview, Garrido admitted to using marijuana and LSD, adding that he took "at least 100 hits of LSD each month."

The federal court subsequently sentenced Garrido to 50 years for kidnapping, and a state court in Nevada sentenced him to five years to life for rape. After serving nearly 11 years of his federal sentence, the federal government inexplicably paroled Garrido in January 1988 and transferred him to the Nevada Department of Prisons to serve his five years to life sentence. Eight months later, Nevada, also inexplicably releasing Garrido from prison, placed him on parole for the rest of his life, beginning in August 1988.

Nevada returned Garrido to the federal government to serve his federal parole term. During his federal parole period, Garrido and his wife lived with his mother at her residence at 1554 Walnut Avenue in Antioch, California. In June 1991, Garrido allegedly kidnapped Jaycee Dugard from South Lake Tahoe and transported her to his residence in Antioch. In March 1999, the U.S. Parole Administration terminated Garrido's federal parole supervision, returning him to the jurisdiction of Nevada for state parole supervision. Garrido's Certificate of Early Termination of federal parole contains a commendation for having responded positively to federal parole supervision, and for the personal accomplishments he had attained. The federal government's release of Garrido from federal parole is included as Appendix A to this report.

The department assumed the parole supervision of Garrido in June 1999 because he resided in California. The department continued in this role until Garrido's arrest in August 2009. Figure 2 summarizes Garrido's adult interactions with the legal system. A more detailed list of Garrido's contacts with local public safety agencies is included in Appendix B of this report.

Interstate Compact on Parole

The State of Nevada gave Garrido a term of lifetime parole supervision. Because he was living in Antioch, California, however, the department accepted the responsibility to supervise

Figure 2: Timeline of Garrido's legal history.

Sources: Garrido's California and federal parole files and local police reports.

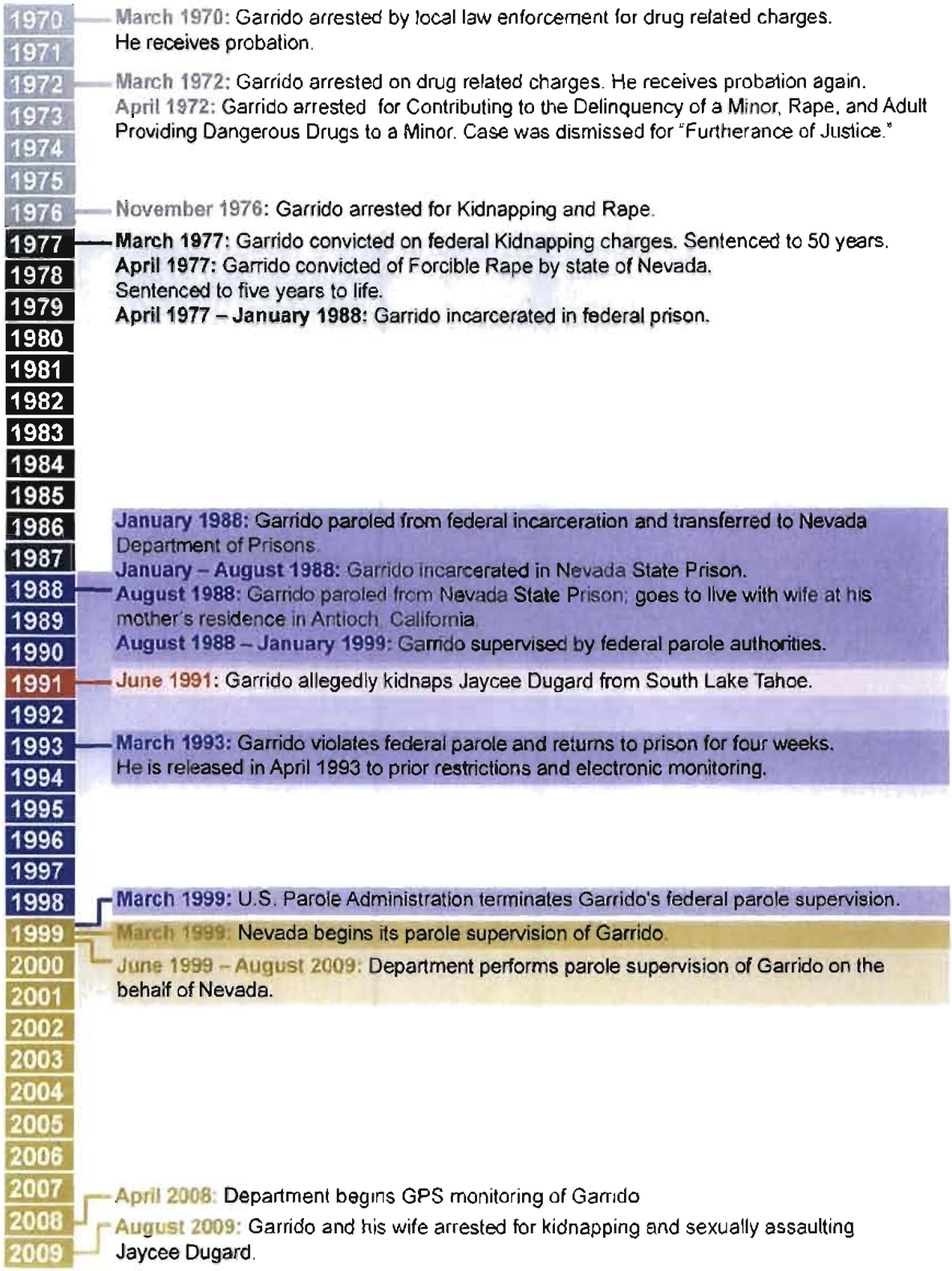
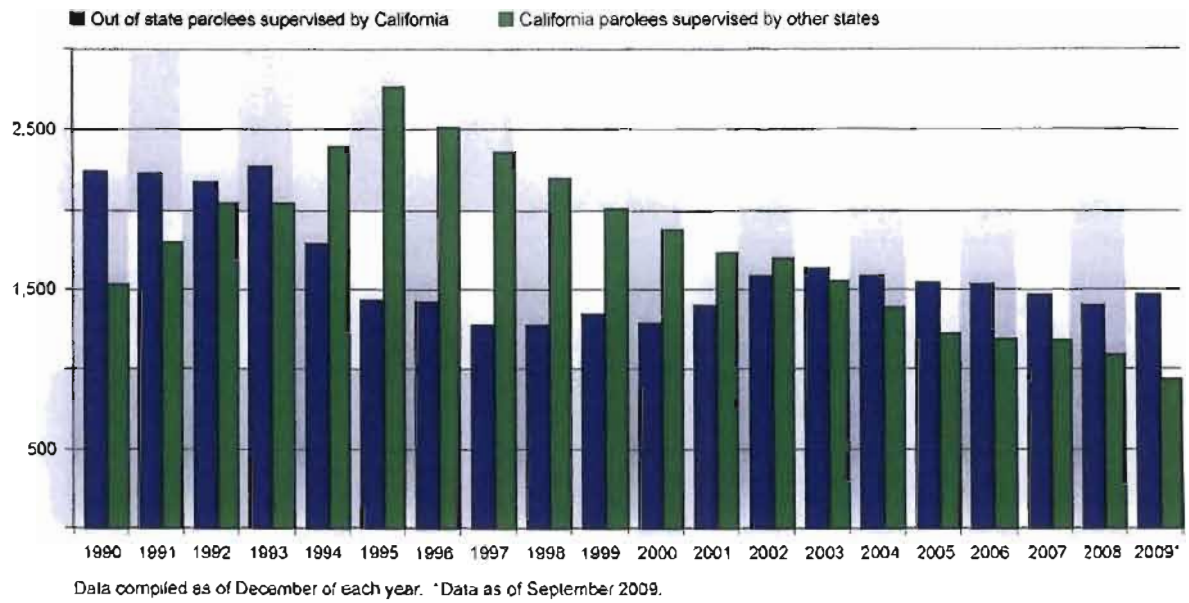


Figure 3: Interstate Compact parolees.

Source: Department's Monthly Report of Population.



Data compiled as of December of each year. *Data as of September 2009.

Garrido on Nevada's behalf under the terms of the Interstate Compact for Adult Offender Supervision.

This exchange is not unusual for the department. The department routinely accepts parolees from other states under the terms and conditions laid out in the Interstate Compact for Adult Offender Supervision, originally enacted in 1937. All 50 states are members of this compact, which is the statutory authority regulating transfer of adult parole and probation supervision across state boundaries. Under the terms of the compact, states are generally mandated to accept parolees from other states. Therefore, the department had no choice but to accept Garrido for supervision after he was released from federal parole, and the State of Nevada made the request in June 1999.

In September 2009, as illustrated in Figure 3, the department supervised 1,466 out-of-state parolees while 935 California offenders were supervised by other states. In previous years the number of California parolees supervised by other states exceeded the number of out-of-state parolees supervised by the department. In 2008, the department reported the annual cost of supervision at $4,338 per parolee. Therefore, because the department is supervising 531 more out-of-state parolees than the number of California parolees being supervised by other states, the department in 2009 will incur a net cost of approximately $2.3 million.

The increase of out-of-state parolees in the last few years increases the workload for the department's parole agents in general. When Garrido was fitted with a GPS tracking device in April 2008, his parole agents carried the 40:1 workload specified for specialized caseloads.

Parole Agent Tools For Supervising Parolees

The department has stated its commitment to the protection of the community and the effective rehabilitation of offenders. Accordingly, a parole agent has broad discretion over a parolee's life and uses various tools to guide, direct, and oversee the actions of parolees. Conditions of parole, to which a parolee agrees prior to release from prison, allow parole agents to search a parolee's person or residence at any time. Other tools include drug testing, behavior management courses, periodic required reports submitted by parolees, and global positioning system (GPS) monitoring.

In November 2006, California voters passed Proposition 83, which, among other things, required lifetime GPS monitoring of felony registered sex offenders. Prior to the passage of the proposition, the department implemented a GPS monitoring program in June 2005 with a pilot project that tracked high-risk sex offenders. The pilot program was designed to assist parole agents and local law enforcement in supervising these parolees. Based on the project's results, the department requested, and received, additional funding to place GPS devices on all registered sex offenders (Penal Code § 290) on parole in California. The department included in this effort parolees who were convicted prior to the passage of Proposition 83, and therefore were not legally mandated to be monitored. Accordingly, the department required parolee Garrido to begin wearing a monitoring device in April 2008.

GPS monitoring device



Source: Office of the Inspector General

The department Secretary stated in January 2009 that monitoring every sex offender on state parole with GPS technology was a "significant milestone to protecting public safety by holding these individuals accountable for [their] actions and their whereabouts. The [department] is holding true to a commitment it has made to fit every sex offender parolee with a GPS device and monitor them aggressively."

Through the use of satellites, the GPS device transmits a parolee's location, speed of movement, and direction of travel to a receiver. This information is then available to parole agents to track when and where a parolee has gone.

Parole agents may also establish zones within the GPS system to determine if parolees adhere to travel or time restrictions. Using the GPS monitoring software, parole agents can draw boundaries on the map that tracks a parolee, thereby creating zones that a parolee must avoid or remain within. Parole agents can draw boundaries around a school, and the residence and workplace of a victim, to keep the parolee out, and draw boundaries around the perimeters of the parolee's house and surrounding property, to keep the parolee in. Parole agents can also establish larger zones, like a 25-mile radius from a parolee's house beyond which the parolee may not travel without permission, and time zones during which a parolee must be at a certain location. The GPS monitoring device worn by the parolee transmits a signal every minute, tracking the parolee's location. The system sends alerts to the parole agent if the parolee travels outside of a permitted zone, crosses an off-limits boundary or violates a curfew.

Parolees are monitored at either the active or passive level, depending upon the parolee's assessed risk to the community. At the active monitoring level, transmissions from the parolee's monitoring device are uploaded at near real-time intervals and parole agents are alerted immediately if a parolee crosses a boundary or violates a curfew. At the passive monitoring level, transmissions from the parolee's monitoring device are uploaded at set intervals and alerts are usually sent to the parole agent the next day.

As of June 2009, the department reported monitoring nearly 7,000 sex offender parolees with GPS devices; approximately 2,200 were classified as active with 4,800 classified as passive. During fiscal year 2008-09, the department spent nearly $14 million on GPS monitoring, not including the costs of personnel who administer and monitor the information provided by GPS units.

The department plans to expand its use of GPS to monitor parolees in the future. In the department's September 18, 2009, Population Reduction Plan filed with the United States District Court, the department reported that it will seek legislation to establish a program of alternative custody options for lower-risk offenders. Under this program, certain offenders, including those whose offenses are non-violent, non-serious and non-sexual, would be eligible to serve the last 12 months of their sentences under house arrest with GPS monitoring. The department estimates that this would involve approximately 4,800 additional inmates.

Parole Supervision Levels

The department assesses parolees and assigns them to a level of supervision that is commensurate with their risks to reoffend. The department has three general levels of supervision: High Control, the most intensive level of supervision; is applied to parolees with the highest risk of reoffending; mid-level Control Service applies to parolees with an average risk of reoffending; and Minimum Service is the least intensive supervision level, applied to parolees least likely to reoffend.

Additionally, the department has created specialized caseload specifications for parole agents who supervise parolees monitored with GPS at either the active or passive level. The table below summarizes the activities required for each of the supervision levels.

Table 1: Parole supervision levels

Source: October 2008 department Field Agent Guide

	Level of Supervision			
Activity	Specialized Caseload	High Control	Control Service	Minimum Service
Face to Face Contacts	First working day following release from custody, but no more than 48 hours after release At residence within six working days from initial release or revocation release date. Two per month. Four in parolee's residence per quarter.	First working day following release from custody, but no more than 48 hours after release. First face-to-face residential contact must be within six working days of initial release or revocation release date. Two each month; one at the residence, one at agent's discretion.	First working day following release from custody. At residence within ten working days of initial release or revocation release date. One every other month at residence.	At the parolee's residence within 30 days of release. One contact at residence within 30 calendar days of reduction to minimum service. One face-to-face or collateral contact every 120 days.
Initial Interview	Conducted no later than the third working day following release from custody.			
Collateral Contacts	Two per month.	Two per quarter.	One every 90 days.	One every 120 days.
Anti-Narcotic Testing	One per month.	One per month.	Two per quarter.	This testing condition will be waived.

Parameters of Review

To develop the information contained in this special report, the Office of the Inspector General completed the following activities:

- Reviewed Garrido's parole file.
- Interviewed available parole agents who had supervised Garrido during his 10-year supervision period.
- Inspected Garrido's residence in Antioch, California.
- Interviewed Garrido's neighbors in Antioch, California.
- Reviewed a portion of Garrido's GPS data.
- Obtained the August 2009 case management review assessment completed by the parole administrator over the parole district supervising Garrido.
- Reviewed Garrido's mental health records maintained by the department's Parole Outpatient Clinic.
- Interviewed staff at the department's parole academy and reviewed lesson plans used to instruct parole agents at the academy.
- Contacted local law enforcement agencies to identify Garrido's interactions with local public safety agencies.
- Contacted key staff from the department's Interstate Compact Parole Unit and reviewed related documents.
- Interviewed Garrido's brother, Ron Garrido.
- Interviewed the Chief of the Nevada Department of Public Safety, Division of Parole and Probation.
- Reviewed Garrido's federal parole file.
- Interacted with officials from the department and other law enforcement authorities.

Results of Special Review

The Department Failed to Properly Supervise Parolee Garrido

A review of the decade in which Garrido was under the department's jurisdiction reveals repeated departmental failures to properly supervise Garrido. These failures extend to the supervision and management of parole agents who had oversight of Garrido. Consequently, the department missed opportunities to detect Garrido's ongoing violations of parole conditions and continuing criminal activity.

Consistent with the Office of the Inspector General's jurisdiction to oversee the department, the focus of this special report is the department's parole supervision of Garrido. However, it should be noted that Garrido was on parole under the jurisdiction of federal parole authorities from August 1988 to January 1999. While on federal parole, in June 1991, Garrido allegedly kidnapped Jaycee Dugard and thereafter sexually assaulted her, fathering two children. Accordingly, it should also be noted that the federal parole authorities failed to detect Garrido's criminal conduct and his victims, although they did re-incarcerate him for four weeks in 1993.

The department initially praised its supervision of Garrido

Soon after Garrido was arrested, department officials held a press conference to announce that the department had assisted in identifying Jaycee Dugard and the two children Garrido had allegedly fathered with her and had played a role in arresting Garrido for those and related crimes. An official stated that he was "proud of the parole agents" and spoke of the diligence displayed by the department's parole agents in bringing Garrido into custody. Near the end of the news conference the official stated that Garrido "had no parole violations during the entire period of time, so he was compliant with his conditions of parole." Subsequently, the department has repeatedly reiterated this conclusion.

While it is true that Garrido's parole was never officially violated in California, meaning that the department took no action to register that Garrido had violated his parole, our review shows that violations should have been registered. It is now apparent that the department failed in varying degrees during the parole period to properly supervise Garrido and missed numerous opportunities to discover his victims.

The department repeatedly failed to provide proper parole supervision

At the request of the department, on August 29, 2009, the parole administrator for the parole district that supervised Garrido completed an assessment of the department's handling of Garrido's case. As part of our special review, we requested, and the department provided, a copy of the administrator's assessment. The administrator reviewed all documents and records in the parole file, including every entry made by parole agents and parole supervisors. In addition to our own review of the department's supervision of Garrido, we also used the administrator's assessment due to his knowledge of the complexities of the department's parole supervision requirements.

For the 123 months that the department had jurisdiction over Garrido, the administrator found that there were only 12 months of satisfactory supervision. Put another way, 90 percent of the time the department's oversight of Garrido lacked required actions (see Figure 4).

As Figure 4 illustrates, the department's inadequate supervision of the Garrido case began from the start of its jurisdiction, and although it improved significantly over the last two years, inadequate supervision persisted throughout most of the 10-year span. The administrator noted that a parole agent failed to conduct a required home visit when Garrido was first assigned to California parole. In fact, a parole agent did not visit the residence until May 2000, almost one year after the department began its parole supervision. Similarly, between June 2001 and July 2002, parole agents failed to visit Garrido's home. Between June 2004 and August 2005, parole agents visited Garrido only once.

The administrator concluded that at least six parole agents had supervised Garrido during this period; this number may be higher because some of the parole file entries were illegible. The administrator noted that the parole agent who was supervising Garrido at the time of his arrest had only been supervising him since October 2008.

Additionally, the administrator found that parole agents failed to perform a multitude of required home visits, collateral contacts, and drug testing throughout the period of parole supervision. He found that even after April 2008, when Garrido was placed on the passive GPS monitoring program–and as a result the parole agent commenced more frequent home visits (see Figure 4)–the parole agent failed to ensure that Garrido completed required drug testing.

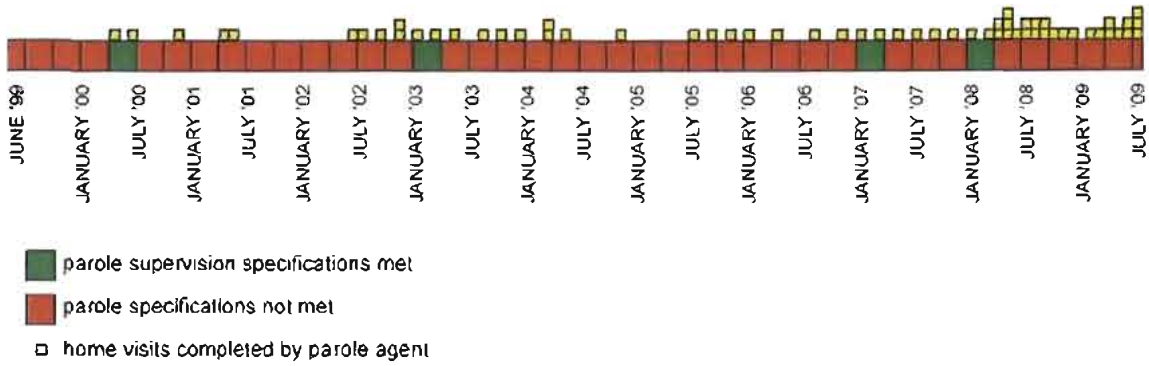
At the outset of Garrido's parole supervision, the department was confused regarding his parole status and failed to perform even minimum levels of supervision. After being released from federal parole in March 1999, Garrido first reported to the department on June 8, 1999, at the department's request.

The department had accepted Garrido for parole supervision from the State of Nevada at Nevada's request in June 1999. Garrido met with his parole agent at the parole office and explained that he believed that Nevada should have discharged him from parole supervision when the federal government discharged him in March 1999. Over the subsequent five months, the only activity the department performed on Garrido's case was to discuss his objections to being subject to continued parole supervision. Therefore, it was not until November 9, 1999, that the department began to actively supervise Garrido.

For reasons discussed in detail below, the department then inappropriately assigned Garrido to its minimum level of supervision rather than to its high control level of supervision, which would have been consistent with Garrido's being a sex offender. Consequently, between November 1999 and May 2000, the only contact the department had with Garrido was five brief monthly written reports that Garrido submitted to the parole agent, and one phone call that Garrido placed to the parole agent advising the agent he had completed his required annual registration as a sex offender with the local law enforcement agency.

Figure 4: The parole administrator's assessment of Garrido's supervision.

The parole administrator who assessed the department's supervision of Garrido based his assessment on quarterly periods.



It was not until May 2000 that it occurred to the department that as a sex offender, Garrido should be supervised at a more intensive level. The department also began subjecting Garrido to drug testing at this time. However, as Figure 4 shows, and as the administrator concluded in his August 2009 assessment, after three months of proper supervision, in July 2000 the department again mishandled Garrido's parole supervision.

Within the department there are conflicting views regarding which parole supervision standard should have been applied in assessing the department's parole supervision of Garrido.

The administrator who completed the department's August 2009 assessment of itself used two criteria to assess the department's supervision of Garrido: the Control Service level of supervision for the years before Garrido was fitted with a GPS unit in April 2008, and the Specialized Caseload level of supervision after April 2008. Control Service was the level of supervision the department decided to apply to Garrido when it realized he was a registered sex offender (Penal Code § 290) in May 2000.

The administrator said that when he assessed the department's supervision of Garrido after the parolee was placed on GPS monitoring in April 2008, he applied more intensive requirements. The department had established new specifications for parolees included in the GPS monitoring program and required parole agents to supervise the GPS parolees as high-risk sex offenders–which called for the department's most intensive high-control level of supervision–with the additional requirement that the parolees participate in the department's Parole Outpatient Clinic program for mental health assessment. Accordingly, the administrator used the Specialized Caseload supervision requirements to evaluate the department's supervision of Garrido after April 2008.

The administrator's assessment of the department's supervision of Garrido is depicted in Figure 4.

In stark contrast to the administrator's assessment, department executives told us that they believe the department's supervision of Garrido met or exceeded requirements in the last

three years of supervision prior to Garrido's arrest. The executives believe that the department did not provide clear supervision expectations to parole agents who monitored parolees with GPS. Therefore, the executives assert that the department should continue to use the less intensive Control Service supervision requirements to evaluate the department's supervision of Garrido. The executives concluded that if this lesser criterion is used, the department met the supervision requirements in 2007 and exceeded them in 2008 and 2009. As discussed above, the department's supervision of Garrido improved during these later periods.

However, it is our assessment that the executives' conclusions are in error. As the administrator stated above, parole agents were told that they were supposed to supervise GPS parolees as high-risk sex offenders, which calls for the high-control level of supervision. He provided us with a document that the department furnished to parole agents to specify the supervision requirements. The written requirements in this document are the standards that the administrator used in assessing the department's supervision of Garrido.

Additionally, two different documents we received support the administrator's choice of criteria to apply in his assessment. First, Garrido's parole file contains a document that Garrido and his parole agent completed when Garrido began GPS monitoring on April 14, 2008. The form is entitled "HIGH RISK SEX OFFENDER (HRSO) SPECIAL CONDITION ADDENDUM" and gives the parolee instructions on wearing the GPS device. The reference to Garrido as a high-risk sex offender is consistent with the administrator's understanding. Second, the department's Field Agent Guide, dated October 2008, specifies that parole agents are to monitor parolees on passive GPS monitoring–such as Garrido–at the more intensive level of supervision used by the administrator in his evaluation.

One executive, however, stated that the Field Agent Guide is just a guide: he noted that a statement at the front of the manual warns that the guide "should not be construed as departmental or divisional policy nor should it be relied upon as a complete expression of policy or procedures." Additionally, the executive pointed out that the guide is dated October 2008, and notes that Garrido began GPS supervision six months earlier, in April 2008. Therefore, the executive concluded that the department's supervision should continue to be assessed at the lesser "Control Service" level of supervision.

The support for the criteria the administrator used in his assessment appears to have more merit than that provided by the executive. As a result, we believe that the administrator's assessment of the department's supervision of Garrido, as depicted in Figure 4, is a fair assessment of the department's work on Garrido's case. Nevertheless, as we discuss in detail below, throughout the entirety of its supervision of Garrido, the department failed to supervise Garrido at its most intensive High Control level of supervision, the level required for supervising a violent sex offender. The department confirmed this conclusion when it determined through applying an updated assessment tool called STATIC-99–subsequent to Garrido's arrest–that High Control was the appropriate level of supervision for Garrido.

The department failed to properly classify Garrido

One explanation for the department's improper supervision of Garrido is that it initially misclassified Garrido as a low-risk parolee. In 1999, when the department began supervising Garrido, its policy was to classify as High Control for at least one year all parolees required to register as a sex offender under Penal Code section 290. This classification should have applied to Garrido due to his prior rape and kidnapping crimes. Nevertheless, the department initially classified Garrido for Minimum Supervision, its least intensive supervisory level. As a result, until May 2000–almost one year after it began supervising Garrido–the only contact the department had with Garrido was three office visits, some phone conversations, and five monthly written reports that Garrido submitted to his parole agent.

According to the parole agent who supervised Garrido during this period, Garrido initially questioned the legality of the department imposing parole restrictions on him on the behalf of Nevada and argued that when the federal government released him from parole, that release also applied to Nevada's parole authority. Because the department had very little information from the federal parole authorities or Nevada, the parole agent delayed his supervision of Garrido five months until the department's legal office reviewed the case. Then the parole agent assigned Garrido to minimum supervision.

In 1999, had the department taken the additional step of reviewing the information contained in Garrido's federal parole file, it would have received information that could have assisted the department in correctly assessing Garrido and perhaps even discovering the hidden compound in the rear of the Antioch property. Included in the federal parole file was information about Garrido's mental health assessments, failed drug and alcohol tests, and a 1993 parole violation that led to Garrido being briefly re-incarcerated. This information could have influenced the parole agent's supervision level for Garrido. Additionally, included in the federal parole file was information regarding a federal agent's search of the soundproofed recording studio that Garrido maintained in the back of his residence. This studio was located in the concealed compound and was where Garrido allegedly kept Jaycee the first year of her captivity and repeatedly raped her. Information about this recording studio could have provided the parole agent with the knowledge that Garrido's residence extended well beyond the back fence.

Additionally, in January 2001, the parole agent handling the Garrido case completed a "Sex Offender Risk Assessment" to evaluate the appropriateness of Garrido's then-current level of supervision. The assessment places offenders in three categories: low-risk offender, moderate-risk offender, and high-risk offender. The parole agent unfortunately evaluated Garrido as a low-risk offender, even though that category clearly did not apply. The parole agent chose this description as most applicable to Garrido:

> One or possible registerable [*sic*] sex offenses in the record along with other non-sex-related offenses. **Controlling offense is non-sexual.** Offending sexually is more opportunistic or situational than a primary deviant sexual orientation. These cases can be reasonably handled on a control service caseload. [*Emphasis added*]

A "controlling offense" is the crime that sent the parolee to prison. Garrido's controlling offense was clearly sexual in nature: kidnapping an adult female and sexually assaulting her over a six-hour period. The circumstances of the crime show premeditation and deliberation; he handcuffed the victim and placed a leather strap around her neck and under her knees to conceal her in a bent-over position while transporting her for an hour to a modified storage shed. Further, Garrido had drugs, a bed, and sex-related devices in the shed. This information was readily available to the parole agent and should have caused the agent to elevate Garrido's assessment.

Since the controlling offense was of a serious sexual nature, the parole agent's selection was incorrect. The appropriate classification for Garrido was high-risk offender as described below:

> **Controlling offense is sexual**, or is related to an established pattern of deviant sexual behavior. There are usually other sexual offenses in the background. No or minimal history of non-sex offenses. **Offenses clearly deviant sexually oriented.** These cases need referral to the Parole Outpatient Clinic. They need to be handled by the Sex Offender Specialist Caseload. [*Emphasis added*]

Had the department identified Garrido as a high-risk offender and supervised him at the more intensive High Control level, it would have been able to focus more attention on his activities. The parole administrator who completed the case management review assessment reached a similar conclusion in his review, finding that the department should have supervised Garrido at its High Control level of supervision because of his previous sexual criminal behavior. Because at the time of this assessment Garrido was not monitored by a GPS monitoring device, the even more intensive Specialized Caseload level of supervision would not apply.

In June 2006, the department implemented a new assessment tool, "STATIC-99," designed to estimate the probability of sexual and violent recidivism among adult males who have been convicted of at least one sexual offense against a child or non-consenting adult. The department issued instructions that the assessment must be used to evaluate all sex offenders being paroled from prison; however, remiss from that directive were sex offenders, like Garrido, who were currently on parole. Instead, the department later told staff that additional policies would be forthcoming.

The department revised its STATIC-99 policies in 2007 and again in 2008; however, neither of these revisions included instructions on applying the STATIC-99 assessment to sex offenders who were currently on parole. To date, the department has never developed those written policies.

In July 2009, one month before Garrido's arrest, a parole supervisor completing a case review directed a parole agent to request a STATIC-99 assessment for Garrido. On September 17, 2009, three weeks after the arrest, the department performed the assessment, which finally correctly identified Garrido as a high-risk sex offender. This finding corroborates our conclusion that the department's decision to place Garrido on minimum supervision was a grave error.

Parole supervisors failed to detect inadequate oversight of Garrido

Parole supervisors also failed to detect and address the inadequate oversight and assessment of Garrido by the parole agents responsible for his supervision. The department requires parole supervisors to periodically review case files to ensure that parole agents are properly supervising their assigned parolees. The administrator conducting the August 2009 probe into the Garrido case found 10 instances where parole supervisors did not perform the mandated reviews, including between April 2001 and October 2003 when no reviews were conducted. Equally alarming, however, are the 15 instances we found in which parole supervisors completed case reviews but failed to identify and correct obvious deficiencies in the manner parole agents handled Garrido's case.

The department failed to provide timely mental health assessment

Additionally, the department did not refer Garrido for mental health assessment until October 2007–more than eight years after it began supervising him–even though the State of Nevada and California state regulations require such an evaluation upon initiating parole.

According to the department's record of supervision for Garrido, a parole agent determined in October 2007 that as a registered sex offender, Garrido needed to be referred for a mental health evaluation. Accordingly, he referred Garrido to the department's Parole Outpatient Clinic, which provides mental health treatment to parolees. However, the department should have referred Garrido to these services much earlier. When the State of Nevada paroled Garrido in August 1988, one of the conditions of his parole was "Outpatient substance abuse and/or mental health counseling." The document establishing those parole conditions was present in the department parole file for Garrido. Nevertheless, when the department assumed parole jurisdiction of Garrido in June 1999, it failed to refer him for a mental health assessment.

Further, the department did not follow California regulations requiring parole agents to refer all serious sex offenders to the Parole Outpatient Clinic for a mental health assessment. Title 15 of the California Code of Regulations, section 3610 states in relevant part:

> Mandatory referral to a POC [Parole Outpatient Clinic] for a mental health assessment shall be made by the parole agent of record for the following:
>
> ... sex offenders as designated in PC [Penal Code] section 290, for whom a mental disorder may have been a contributing factor to their commitment offense.

Accordingly, in 1994 the department began requiring all parolees with histories of sex offenses covered under the provisions of Penal Code section 290 to receive an evaluation through the Parole Outpatient Clinic. Had the department acted in a timely manner and referred Garrido for an assessment, it would have provided the department another opportunity to determine that Garrido had been misclassified as a low risk parolee.

The department recommended Garrido's discharge from parole supervision

On four different occasions, the department recommended to Nevada that it discharge Garrido from parole: in November 1999–five months after it had begun supervising Garrido–and again in July 2004, December 2005, and April 2008. In each of these instances, a parole supervisor concurred with a parole agent's recommendation for discharge. Nevada did not heed the department's suggestion and continued to subject Garrido to parole supervision. It should be noted that applying the typical California standard for sex offenders to Garrido's case would likely have produced Garrido's release from parole after three years.

The department did not use available GPS information

The department also failed to use readily available information from its GPS monitoring program to identify that Garrido was not adhering to the terms of his parole. In April 2008, as part of a larger effort to place monitoring devices on all parolee sex offenders, the department placed a GPS ankle monitoring device on Garrido to electronically monitor his movements. Given his assessed status as a low-risk sex offender, the department placed Garrido on its passive GPS monitoring program.

One of the potential uses of the GPS device was to determine whether Garrido traveled more than 25 miles from his residence of record without prior approval from parole authorities-a limitation the department placed on Garrido as a condition of his parole. According to a department official in its electronic monitoring unit, the department can establish an electronic zone around a parolee's home. The GPS monitoring system will detect this breech and notify the assigned parole agent. Under the passive GPS monitoring program, the system would notify the parole agent the next day.

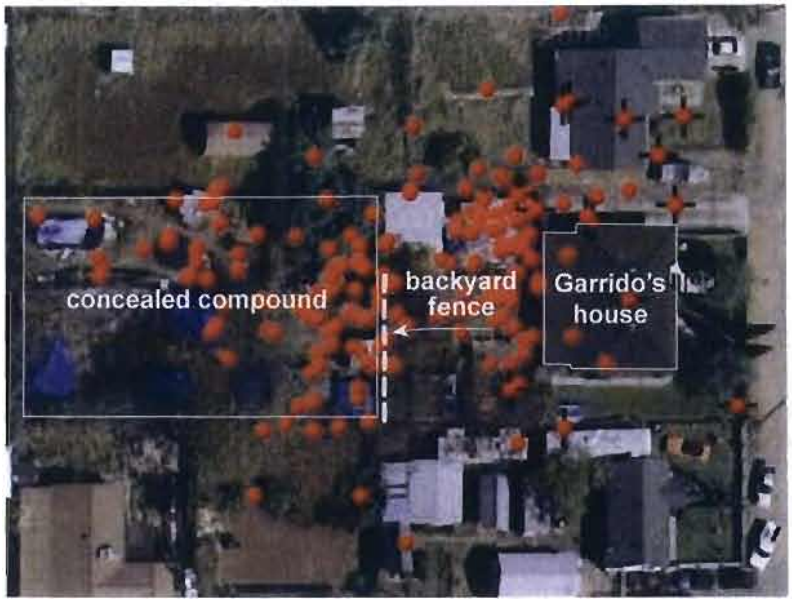
However, the parole agent did not use the tool available to him to establish a restricted travel zone to monitor Garrido. If done, the system would have alerted parole authorities that Garrido was repeatedly out of compliance with his conditions of parole. We reviewed GPS information for Garrido over a 32-day period from July 23, 2009 to August 23, 2009. During this limited time period, we discovered that Garrido went outside of the 25-mile zone seven times, traveling to Berkeley, Oakland, or San Francisco. The department's parole file does not reflect that Garrido asked for, or received, permission to go outside the 25-mile zone from his house during this time period. The same data we reviewed is readily available to parole agents.

More concerning was that the department ignored alerts it received from a restricted time zone that it did establish for Garrido. In the GPS monitoring system that the department used until June 2009, parole agents established a time zone surrounding Garrido's house, programming the system to send an alert if Garrido left his residence at night, between about midnight and 7:00 a.m. This important information would help a parole agent ascertain if Garrido was participating in improper activities. System records show that between April 2008 and June 2009, parole agents received 14 alerts that Garrido had left his residence after the curfew. Disappointingly, parole agents ignored each of these alerts, letting them go without any apparent follow-up or investigation. Ignoring the alerts generated by the system defeats the purpose of this tool.

Parole agents also ignored other alerts from the department's new GPS system. Between June 5, 2009–when the department began using its new GPS system–and August 26, 2009, when Garrido was arrested, the new GPS system generated 18 alerts for Garrido. Most of these alerts related to Garrido failing to charge the battery on his device as required, but one of the alerts indicated that the strap securing the device to Garrido may have been disconnected. System records show that the parole agent acknowledged the first three alerts, but did not record whether he investigated the alerts or if the causes for the alerts were resolved. The parole agent explained that he was unaware that he needed to complete this step. Regrettably, the parole agent never even acknowledged the remaining 15 alerts, including the alert relating to the strap securing the device to Garrido's ankle. This indicates that the department continues to fail to properly use its new system, as it did its previous system.

Figure 5: Garrido's GPS "tracks" in concealed compound

Note: Back yard fence line superimposed by the Office of the Inspector General. Source: Department GPS monitoring system for the date of April 15, 2008.



The parole agent could have also used the GPS information to learn that Garrido spent a great deal of time in the makeshift concealed compound. Figure 5 presents GPS "tracks" for a single 12-hour period on April 15, 2008, showing Garrido's movement at his residence that day. Each of the red dots represents a "track," or Garrido's location when the GPS monitoring unit he wore on his ankle sent a periodic signal to the department's monitoring system. Figure 5 shows that Garrido spent a significant amount of time in the concealed compound located behind his residence.

Unfortunately, the parole agent did not view this data and make that discovery. The department told us that the location of a recorded track may vary from the actual location of the parolee by as much as 36 feet. Nevertheless, had the parole agent viewed the GPS information, it should have led him to determine that the boundaries of Garrido's backyard extended beyond what he believed them to be.

Additionally, we identified significant abnormalities in Garrido's GPS information that, if identified, should have led to further investigation. During a 32-day period between July 23, 2009 and August 23, 2009, the department lost the GPS signal from Garrido's ankle monitoring device almost every night for prolonged periods of time, typically nine or more

hours. According to the department official over the electronic monitoring unit, the lost GPS signal could have been caused by the physical construction of Garrido's house, which may have blocked the GPS unit's ability to transmit a signal. However, he also stated that parolees have developed masking techniques to block GPS signals. The official stated that the current GPS monitoring system–which the department has used since June 2009–will send an alert to a parole agent if it has lost a signal for 24 or more hours, while the previous system–used prior to June 2009–sent an alert after a GPS signal was lost for six or more hours.

Even though Garrido's parole agents were repeatedly alerted to the loss of GPS signals, the parole records reflect that no action was ever taken. Between April 2008 and June 2009, the GPS system alerted parole agents 335 times that Garrido's GPS monitoring device lost a signal for prolonged periods of time. This was almost a nightly occurrence. System records show that parole agents ignored 276 of these alerts altogether. Curiously, the system shows that a parole agent acknowledged the other 59 alerts, but never described in the parole file the actions–if any–taken to investigate the cause of the alert. The Record of Supervision form in the parole file is a legal document and is intended to provide an accurate record of any and all efforts to supervise a parolee. Accordingly, the department requires parole agents to document in these forms any activity, action, or piece of information pertaining to a parolee. Parole agents should have investigated the cause of this abnormality and documented their findings in the parole file.

The department failed to provide GPS supervision policy

One explanation for parole agents not using this important tool to monitor Garrido is that the department has provided no policies guiding parole agents in monitoring parolees assigned to the passive GPS monitoring program. According to the parole agent responsible for the parole unit that monitored Garrido, parole agents that supervise parolees on the GPS monitoring program received guidance on how to monitor parolees at a series of training classes as it was initiating the GPS monitoring program. The manual provided to parole agents during the training states that parole agents must review a parolee's GPS tracks every day. Nevertheless, in this training, parole agents were told that they were to only review GPS data on a daily basis if parolees were monitored at the active GPS level. Parole agents did not need to review GPS data for parolees monitored at the passive GPS level unless the GPS system alerted them to a violation of parole.

Apparently, Garrido could have travelled anywhere, even to the locations of his previous crimes, and it is likely that he would have gone undetected as long as his GPS device continued to transmit a signal.

The department has not provided policies to guide and direct the parole agents who monitor parolees outfitted with GPS monitoring devices. According to department officials, the department is in the process of developing policies to guide parole agents who monitor parolees tracked by the GPS system. However, it had not distributed these policies to the field when we completed our fieldwork in October 2009.

Garrido case raises larger concerns

The department Secretary has said that the department is holding true to a commitment to fit every sex offender parolee with a GPS device and monitor them aggressively. However, due

to the stark differences between the way the active and passive GPS programs now operate, this is an inaccurate characterization. Those parolees monitored under the active system are in fact aggressively monitored, while those monitored in the passive program, like Garrido, are not. The department's failure to use available GPS information to monitor Garrido, and our finding that it disregards alerts that the system generates, raises concerns not only about its current use of GPS but also its planned future expansion of GPS monitoring. As discussed in the Introduction, the department currently has approximately 7,000 sex offender parolees wearing GPS monitoring devices–4,800 of whom are monitored at the passive level. Under its Population Reduction Plan submitted to the United States District Court, the department plans to use GPS to monitor another 4,800 low-level inmates who will be released up to 12 months early from prison. The department refers to this program as "Alternative Custody."

Although the inmates to be included in the Alternative Custody program are non-violent, non-serious, and non-sex offenders, should the department use its current passive GPS monitoring program to monitor these inmates, the Office of the Inspector General is concerned that public safety could be put at risk. The current passive GPS monitoring program appears to provide little, if any, value to proactive parole supervision. The department's failure to use the system to monitor conditions of parole for Garrido, or to periodically review GPS information for all passive GPS parolees, utterly defeats many of the preventive purposes of tracking parolees.

As currently implemented, the system, at best, provides a potential record of a parolee's actions after violations have occurred. The Office of the Inspector General used the system data after Garrido's arrest to find that he repeatedly violated the terms of his parole by traveling more than 25 miles from his home and frequented the compound behind his backyard where he allegedly committed his heinous crimes. Although these capabilities are valuable to the law enforcement community in apprehending parolees who reoffend, the department is remiss in failing to use the preventive capabilities of GPS.

It cannot be overstated: the passive GPS monitoring program, as currently applied, provides a false sense of security to the public, who have been told that the department uses GPS to monitor parolees. Indeed, the Garrido case shows that the current passive GPS model is ineffective in proactively monitoring parolees.

The department missed other opportunities to discover the victims

In addition to failing to perform the required activities noted above, the department also missed several opportunities to discover the existence of Garrido's victims. According to the department's 10-year supervision records of Garrido, its parole agents performed face-to-face contacts with Garrido at his home on at least 60 occasions. Yet parole agents did not identify clues suggesting that something was amiss. Later in this report we discuss concerns we have related to the training parole agents receive to prepare them to complete thorough and effective inspections of a parolee's residence.

As shown in Figure 6, clearly visible utility lines, including coaxial cable and telephone lines, ran in makeshift fashion from the corner of Garrido's house to a carport in the back yard. These

utility lines then proceeded to the hidden compound in the back of the property where Garrido had a computer, television, and other electronic devices.

Additionally, as shown in Figure 7, electrical lines came through the fence into the back yard and ran along the back yard fence, going toward the back of the property. These utility wires supplied electricity and other utilities to the various structures that Garrido maintained in the rear of his residence and were in place at the time Garrido kidnapped Jaycee in June 1991.

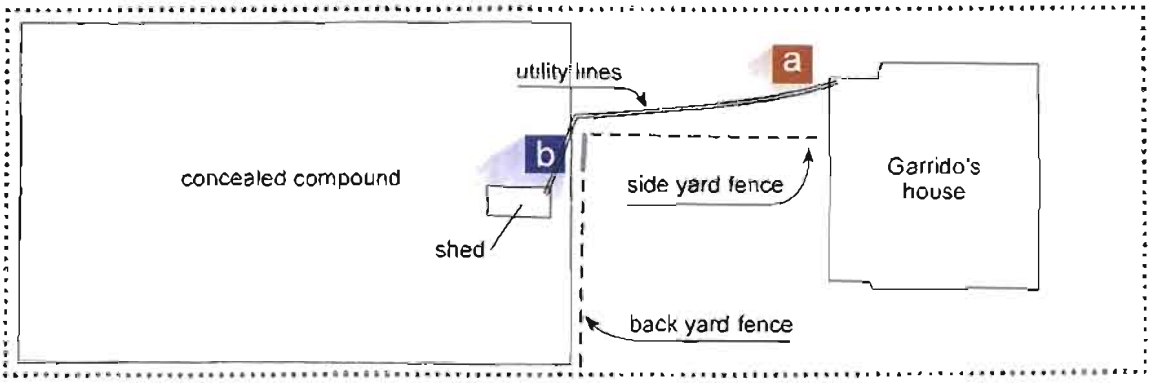
As a condition of Garrido's parole, any law enforcement officer, including his parole agent, has authority to search his residence without first obtaining a search warrant. According to Garrido's most recent parole agent, the agent did inspect Garrido's house and even went into the backyard. However, the parole agent said that the yard appeared to end at the inner fence of Garrido's residence. The agent said that he never noticed the utility wires running from the house toward the back yard or the electrical wire that came through a hole cut in the fence into

Figure 6: Utility lines running from Garrido's residence.

Photos taken from the points of view indicated on the schematic below.
Source: Office of the Inspector General.



schematic, Garrido lot (not to scale).



a – view of side yard fence from parking area - see schematic for frame of reference.

b – view of shed from inside hidden compound - see schematic for frame of reference.

the back yard and then extended to the rear of the property. However, those wires were clearly visible in several locations in the back yard.

Previous parole agents who supervised Garrido also recorded that they performed searches of Garrido's residence. One parole agent even developed a diagram of the house. However, none of the parole agents documented in their notes that they ever noticed, investigated, or inquired about the wires.

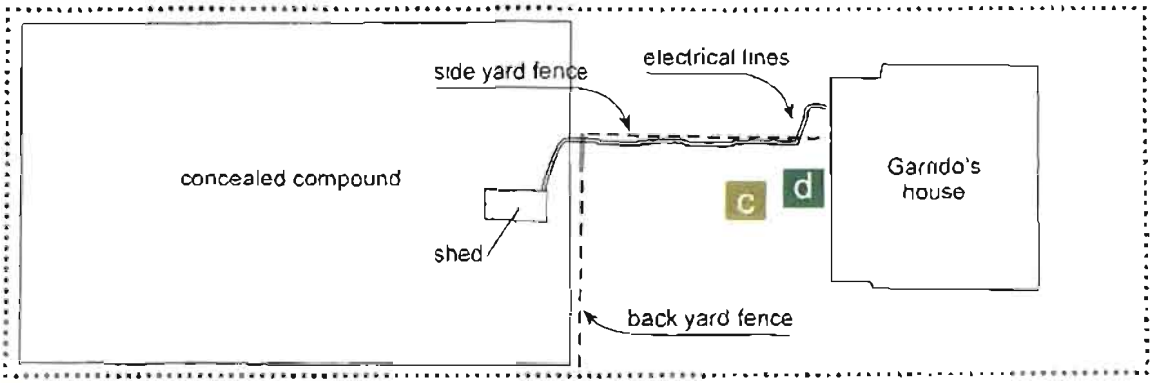
A trained law enforcement officer searching Garrido's back yard should have observed the utility wires, particularly since those wires were visible in multiple locations. At a minimum, the presence of those wires should have raised suspicions that Garrido was engaged in some type of illegal conduct, perhaps even serious criminal activity. Utility wires can be an indicator of crimes such as electricity theft, marijuana cultivation, or the presence of a computer used for

Figure 7: Electrical lines in back yard.

Photos taken from the points of view indicated on the schematic below.
Source: Office of the Inspector General.



schematic, Garrido lot (not to scale).



c – view of side yard fenceline from back yard - see schematic for frame of reference

d – view of side yard fence from back yard - see schematic for frame of reference.

child pornography. Because Garrido was a registered sex offender, with extensive drug use in his past, those suspicions would have been merited.

Had the parole agents identified these signs of potential criminal conduct, their suspicions may have led to inquiries that could have resulted in the discovery of the concealed compound at the rear of Garrido's property. Furthermore, as discussed previously, the department would have known that Garrido's yard extended beyond the back fence and included at least one building if it had reviewed information contained in Garrido's federal parole file.

The department, however, was not alone in its failure to observe these clues that Garrido's property extended beyond the interior backyard fence. According to local law enforcement documents, in July 2008, a regional sex offender taskforce searched Garrido's residence during a sweep of known sex offenders living in Antioch. The department did not participate in the operation. During the sweep, officers searched the inside and outside of Garrido's residence, including the back yard. The officers reported finding nothing suspicious, also stating that they believed the property line ended at the interior back fence.

Juvenile present during home visit

Another opportunity the department missed to discover the existence of Garrido's victims living in the back part of his property occurred in June 2008. According to records prepared by the parole agent who supervised Garrido at that time, the parole agent went to Garrido's residence on June 17, 2008, to perform a periodic face-to-face visit. Present at the house with Garrido was his wife, his mother, and a 12-year-old female. According to the parole agent's notes, he questioned Garrido about the young girl. Garrido replied that the girl was his brother's daughter. The parole agent apparently accepted Garrido's explanation and left. There is no indication in the department's record of supervision that the parole agent performed any further inquiries.

On the day that Garrido was eventually arrested for kidnapping, rape, and other sexual crimes, he gave a similar story to his parole agent. He told his parole agent that his three victims, including the two girls he allegedly fathered with Jaycee, were his brother's children.

Because Garrido's commitment offense, or controlling offense, did not include minors, his parole at the time did not contain a condition prohibiting him from being in the presence of minors. Therefore, the presence of the 12-year-old girl alone did not violate Garrido's parole conditions. However, based on Garrido's criminal history, the parole agent should have confirmed the story that Garrido provided. Included in Garrido's parole file was information related to a 1972 arrest for drugging and raping a minor. The charges were evidently dropped when the minor refused to testify against Garrido. Nevertheless, this arrest in Garrido's past should have spurred the parole agent to further investigate Garrido's story. We easily contacted Garrido's brother and determined that he did not have a daughter. If the parole agent had taken this basic investigative step, he would have determined that Garrido was being dishonest and could have investigated further.

Parole agents failed to speak to key collateral contacts

Parole agents also failed to talk to key sources to obtain important collateral information that may have led them to discover Garrido's victims. Parole agents are required to periodically contact collateral sources of information to ensure that a parolee is adhering to his or her parole terms and conditions. The department defines a collateral contact as any communication with another person concerning a parolee. Parole agents often talk to parolees' spouses, roommates, employers, and relatives. Neighbors and local law enforcement agencies are also good sources of information because they may be aware of behavior the parolee exhibits when the parole agent is not present.

We reviewed the department's supervision record of Garrido and found no instances of parole agents speaking to Garrido's neighbors. We went to Garrido's neighborhood and spoke to five of Garrido's neighbors. From our interviews, we learned that some of the neighbors had concerns about Garrido's "weird" behaviors, and that two neighbors had seen children at his house. These comments are consistent with parole agent comments in their records over the years that Garrido exhibited strange behavior.

Figure 8. Eight-foot high privacy side fence in Garrido's back yard.
Source: Office of the Inspector General.



Another neighbor, whose backyard shared a fence with Garrido, told us he once met Jaycee. The neighbor described a conversation he had in the summer of 1991–when he was about eight years old–with a young blond girl through the chicken wire fence that used to separate his yard from Garrido's. He said that the girl told him her name was Jaycee and she lived there. The neighbor reported that as he was talking to Jaycee, Garrido came out and took her into the house. Soon thereafter, Garrido built an eight-foot privacy fence that separated their yards.

Had a parole agent talked to people living in the neighborhood, he may well have learned this same information. That information, along with the fact that Garrido is a registered sex offender, may have led a parole agent to further investigate Garrido and perhaps discover Jaycee.

Furthermore, local law enforcement and emergency services agencies had numerous contacts with Garrido. However, because the department has not established a policy to require parole agents to periodically contact local law enforcement agencies, the department was not aware of these interactions. While the department has good relationships with many local

law enforcement agencies and often shares information on parolees, it usually does so in the context of locating absconded parolees or those believed to be involved in ongoing criminal behavior.

According to the Contra Costa County Sheriff's Office, it or other public safety agencies had at least 30 interactions with Garrido or other persons at his address. Included in these contacts was a November 30, 2006 call from a resident who lived next door to Garrido. The call included the following information:

> ... neighbor at 1554 Walnut [*Garrido's residence*] has several tents in yard with people living in them and there are children there. [*Reporting party*] was concerned because neighbor has sexual addiction.

On another occasion, the fire department responded to Garrido's residence in June 2002 on a report of a juvenile with a shoulder injury that occurred in a swimming pool. Had the parole agent obtained this information, he would have observed that the report included a juvenile and a swimming pool, neither of which were observed at the Garrido residence during the parole agent's home visits. The pool and the juvenile were located in the concealed compound.

However, no indication of these contacts appears in the department's parole file on Garrido. Accordingly, parole agents were never able to include this valuable information in their evaluation of Garrido's adherence to his conditions of parole. Indeed, had a parole agent supervising Garrido contacted local law enforcement or emergency services agencies and obtained the above information–especially the information from the November 30, 2006 call–he could have detected Garrido's criminal activity.

Subsequent to Garrido's arrest, the director of the department's Division of Adult Parole Operations sent a memorandum to parole staff stating that the parole mission goes beyond simply holding offenders accountable when parole agents become aware of potential parole violations. Rather, staff should use their knowledge and resources to detect violations that may not be readily apparent during routine visits with an offender. The memorandum also states that through the delicate balance between essential services and controls and staff expertise and dedication, the division is able to best achieve its mission. One of the controls described is collateral contacts. The memorandum states:

> Collateral contacts provide the agent with insight that is not controlled by the parolee. A good collateral contact could include speaking with neighbors about the parolee's behavior, law enforcement communications centers to determine if there have been any recent police contacts/calls at the parolee's residence, the parolee's employer or co-workers, or any known service providers.

Parole agents failed to act promptly on known information

At the time of Garrido's arrest, Garrido's parole agent did not address or resolve two specific improprieties of which the parole agent should have been aware. A Berkeley police officer told the parole agent about Garrido's visit to the campus. The lone fact that Garrido had travelled

to UC Berkeley should have immediately caused the parole agent to investigate further, since Berkeley is approximately 40 miles from Garrido's Antioch residence. As discussed, Garrido's parole terms limited his travel to a 25-mile radius from his home without permission from his parole agent.

More significantly, the parole agent was aware that Garrido had in his presence two girls who referred to him as "daddy" and to whom Garrido referred as his daughters. The parole agent's suspicions should have been raised immediately since the agent believed Garrido had no young children. Further, one of Garrido's existing parole prohibitions was that he have no contact with females between the ages of 14 and 18 years. Specifically, the prohibition states:

> You shall not have contact with females between the ages of 14 and 18. 'No contact' means exactly that. No contact in any form, whether direct or indirect, personally, by telephone, letter, electronic, computer, or through another person.

The parole agent questioned Garrido about the identity of the children and searched his residence, but upon reviewing his parole file with a supervisor, decided that the condition prohibiting Garrido from contacting minors was imposed in error. However, Garrido's parole file also included information related to his 1972 arrest for drugging and raping a 15-year old girl. While this 1972 arrest did not result in a conviction, the arrest, along with the violent nature of Garrido's 1976 kidnapping and rape crimes, provides a reasonable basis for enforcing the previously imposed parole restriction regarding juvenile females. Given the UC Berkeley police officer's observations of the two girls accompanying Garrido, the more responsible course of action would have been to investigate the identities and welfare of the children that night. The parole agent was told that the two girls were calling Garrido "daddy" at UC Berkeley, a statement the parole agent knew to be untrue. However, the parole agent apparently accepted Garrido's story that the two children belonged to his brother. Instead of contacting Garrido's brother on the spot to resolve this conflict, the parole agent drove Garrido back to his residence, released him and instructed him to return to the parole office the next day.

Given Garrido's violent criminal past and his increasingly bizarre behavior as documented by the parole agent and observed by the UC Berkeley police officer, it is not unreasonable to fear that the parole agent's failure to further investigate that night may have placed Garrido's three captives in greater danger or prompted Garrido to flee. Clearly, the parole agent had legitimate concerns for the well being of the two girls in question; why he did not pursue these concerns that evening is unclear.

Parole Agents Lack Adequate Training

One reason that department parole agents failed to detect the existence of the compound in the far rear of Garrido's property is that they had inadequate training. The department's 10-week academy does not provide parole agents with satisfactory training on how to perform home inspections. Nor is there adequate on-the-job field training for parole agents after they complete the academy. Training that provides parole agents with guidance on how to perform effective home inspections, including how to be aware of and receptive to signs of parole violations or

other criminal behavior, should be provided to parole agents. This knowledge is imperative if failures like those in Garrido's case are to be avoided. Such training should be mandatory.

We went to the department's parole academy and interviewed academy coordinators to determine the training they provide to parole agents. The coordinators told us that parole agents are trained to ascertain whether a parolee is in compliance with his specific conditions of parole by observing the home and interviewing the parolee. Parole agents are trained to obtain an "overall picture of compliance" during the home inspection by performing a "cursory" search of the parolee's residence, the coordinators explained.

The coordinators acknowledged, however, that they do not provide parole agents with specific or clear protocols on where or what to search for. For example, they said that a parole agent is not required to search a parolee's backyard, unless an agent suspects that evidence of a parole violation would be found there. When we interviewed Garrido's most recent parole agent, he told us that he had received no training at all in the academy on how to conduct parolee home inspections.

The department seems to recognize, however, at least in part, the need to address and correct the profound breakdown that occurred in the Garrido case. Subsequent to Garrido's arrest, the acting director of the department's Division of Adult Parole Operations sent a memorandum to parole staff stating that home inspections should incorporate, among other things, "A walk-through of the entire residence, to include the yard (back and front) to establish an understanding of how the residence is laid out and who resides within the residence and the confines of the property."

There is no field training program for new parole agents after they graduate from the department's academy, and supervisors are not required to provide on-the-job training to new parole agents. Instead, after completing the 10-week course of instruction in the academy, new parole agents complete two years of service to be considered journey-level parole agents. During this period, parole agents meet with their supervisors periodically to discuss their cases. The department provides the parole agents with no formal on-the-job training during this two-year period.

The unit supervisor overseeing the Garrido case confirmed this information. He told us that the two-year program for new parole agents consists of periodic case reviews and parole agents filling out month-end reports to capture the number of hours they spent in specific task areas. The unit supervisor said that he does not normally accompany a new parole agent to provide training on skills such as how to perform a home inspection, and that he relies on the academy to provide such training.

Additionally, the unit supervisor told us that he believed it would be helpful to new parole agents if the department had field training officers to teach and guide new agents when they come out of the academy. This concept is similar to the models used by police and sheriff agencies. The Office of the Inspector General agrees.

Findings

As a result of this special review into the department's parole supervision of parolee Phillip Garrido, the Office of the Inspector General finds the following:

Parole Supervision

- The department incorrectly classified Garrido as a low-risk offender and later failed to use a newly-developed assessment tool to correctly classify him as high-risk.
- Although its supervision of Garrido improved significantly over the final few years, the department repeatedly failed to adequately supervise Garrido throughout the 10-year period of its parole supervision.
- Parole supervisors failed to provide proper supervision over parole agents overseeing Garrido.
- The department failed to obtain key parole information on Garrido from federal parole authorities.

GPS Monitoring

- The department's current passive GPS monitoring program is ineffective as a proactive tool and provides a false sense of security to the public.
- The department has no policies guiding parole agents on how to monitor parolees assigned to the passive GPS monitoring program.
- The department failed to use its GPS system to monitor Garrido's compliance with a 25-mile travel restriction.
- The department routinely ignored alerts from the GPS system indicating that Garrido was not following parole instructions or had repeated and regular loss of GPS signal.
- The department's failure to use available GPS information to monitor Garrido raises concerns not only about its current use of GPS but also its planned future expansion of GPS monitoring.

Missed Opportunities

- Department failures resulted in several missed opportunities to discover the existence of Garrido's three victims that he held captive in a concealed compound on his property.
 - Parole agents failed to observe and investigate clearly visible utility wires running from Garrido's house back towards the concealed compound.
 - A parole agent failed to verify Garrido's explanation regarding a 12-year old female present during a home visit.
 - Parole agents failed to talk to Garrido's neighbors.
 - Parole agents failed to contact local public safety agencies to obtain information regarding contact they had with Garrido.

- Parole agents failed to refer Garrido for the required Mental Health assessment for more than six years.
- Parole agents failed to act on information clearly showing Garrido had violated his parole terms.

Training

- The department does not provide adequate training to parole agents to conduct parolee home inspections.

Recommendations

In this special report, the Office of the Inspector General discloses systemic problems that transcend parolee Garrido's case and jeopardize public safety. To address these deficiencies, the department should take the following actions:

Parole Supervision

- Enforce appropriate standards for parole agents to properly supervise their assigned parolees and for parole supervisors to properly supervise parole agents.
- Ensure that all sex offender parolees have been correctly assessed for their risks to re-offend using the department's revised assessment tool.
- Require parole agents to obtain parole information from federal or other state parole authorities when a parolee has been recently supervised by these entities.
- Establish a mechanism to obtain and share information with local public safety agencies.

GPS Monitoring

- Develop and implement a comprehensive Global Positioning System (GPS) monitoring policy.
- Move all sex offender parolees to the active GPS monitoring program, or significantly enhance the passive GPS monitoring program.
- Require parole agents to fully use the capabilities of the GPS monitoring system, such as establishing a zone to monitor parolees' compliance with conditions of parole that they not travel more than specified distances from their houses without prior approval.
- Require parole agents to investigate, resolve, and record the resolution to all GPS system alerts.

Training

- Provide training to its parole agents and supervisors on:
 - Using its GPS monitoring system to ensure parolees comply with their conditions of parole and taking appropriate actions to ensure that parole agents use the system to enforce the conditions of parole.
 - Properly classifying parolees, including serious sex offenders.
 - Conducting a parolee home inspection, including search techniques on how to be aware of clues to potential parole violations or other criminal behavior.
 - Contacting neighbors to obtain collateral information on parolee behavior.
 - Referring parolees to mental health assessment when appropriate.
- Implement a field training officer program to provide on-the-job training to parole agents after they complete the academy and have been assigned parole caseloads.

U.S. DEPARTMENT OF JUSTICE
United States Parole Commission

CERTIFICATE OF EARLY TERMINATION

GARRIDO, Phillip Craig **36377-136**

Date Sentence Imposed: **3/11/1977**

Date Supervision Began: **1/20/1988**

District of Supervision: **Northern California**

The Commission has issued the following order:

YOU ARE HEREBY DISCHARGED FROM PAROLE

By this action, you are no longer under the jurisdiction of the U.S. Parole Commission.

After a thorough review of your case, the Commission has decided that you are deserving of an early discharge. You are commended for having responded positively to supervision and for the personal accomplishment(s) you have made. The Commission trusts that you will continue to be a productive citizen and obey the laws of society.

Raymond E. Essex
Administrator

March 9, 1999
Date

[] *Parolee Copy* [] *U.S. Probation Officer Copy* [] *File Copy*

Parole Form H-15
Page 1 of 1

Appendix B

Summary of Parolee Garrido's Significant Contact with Public Safety Agencies

Date	Description
May 28, 1970	Garrido arrested by local law enforcement for drug related charges. He receives probation.
March 3, 1972	Garrido is arrested on drug related charges. He receives probation.
April 14, 1972	Arrested by local law enforcement for Contributing to the Delinquency of a Minor, Rape, and Adult Providing Dangerous Drugs to a Minor. Case was dismissed for "Furtherance of Justice."
November 23, 1976	Garrido arrested for kidnapping and rape in Reno, Nevada.
March 11, 1977	Garrido sentenced on federal kidnapping charges. Sentenced to 50 years.
April 11, 1977	Garrido convicted of forcible rape by the state of Nevada, sentenced five years to life.
January 20, 1988	Garrido paroled from federal incarceration and on January 22, 1988, received into custody by Nevada Department of Prisons.
August 26, 1988	Garrido paroled from Nevada prison to begin federal parole supervision at his mother's house in Antioch, California.
August 16, 1990	Report of white male chasing two adult females in Oakley, California. In September 2009, reporting party identifies subject as Garrido after viewing his picture on television.
June 10, 1991	Garrido allegedly kidnaps 11-year old girl from South Lake Tahoe, California.
April 22, 1992	Possible sighting of kidnapped 11-year girl in Antioch, CA reported to local law enforcement. Description of vehicle, but no identification of suspect.
March 18, 1993	Federal government issues arrest warrant for Garrido for failing to report to federal probation officer as required and failing to participate in drug testing and aftercare counseling as directed. Garrido is incarcerated on April 1, 1993 and released on April 29, 1993.
February 10, 1997	Local law enforcement issues Garrido a traffic citation.
March 9, 1999	U.S. Parole Administration terminates Garrido's federal parole supervision.
March 18, 1999	Local law enforcement issues Garrido a traffic citation.
June 8, 1999	Garrido begins parole supervision with California Department of Corrections
June 9, 1999	Garrido registers with local law enforcement as a sex offender.
December 23, 1999	Local law enforcement performs check on Garrido at his residence because of his status as a sex offender.
April 13, 2000	Garrido registers with local law enforcement as a sex offender.
April 3, 2001	Garrido registers with local law enforcement as a sex offender.
April 8, 2002	Garrido registers with local law enforcement as a sex offender.
June 17, 2002	Fire department responds to Garrido residence on report of a juvenile with shoulder injury that occurred in swimming pool.
July 20, 2002	Local law enforcement performs traffic stop on Garrido.
March 31, 2003	Garrido registers with local law enforcement as a sex offender.
August 26, 2003	Local law enforcement stop a vehicle registered to Garrido.
April 8, 2004	Garrido registers with local law enforcement as a sex offender.
April 5, 2005	Garrido registers with local law enforcement as a sex offender.

October 11, 2005	Local law enforcement performs traffic stop on Garrido.
April 6, 2006	Garrido registers with local law enforcement as a sex offender.
November 30, 2006	Garrido's neighbor reports to local law enforcement several tents in Garrido's yard with people living in them and that there are children present. The neighbor is concerned because Garrido has sexual addiction. No action taken by responding officers.
December 4, 2006	Local law enforcement queries Garrido in law enforcement database.
April 5, 2007	Garrido registers with local law enforcement as a sex offender.
August 23, 2007	Local law enforcement queries Garrido in law enforcement database.
March 5, 2008	Garrido calls the fire department to report an elderly person fell.
March 6, 2008	Local law enforcement queries Garrido in law enforcement database.
March 14, 2008	Local law enforcement queries Garrido in law enforcement database.
March 28, 2008	Local law enforcement queries Garrido in law enforcement database.
April 8, 2008	Garrido registers with local law enforcement as a sex offender.
April 8, 2008	Local law enforcement queries Garrido in law enforcement database.
April 14, 2008	Parole agent places GPS tracking device on Garrido.
May 21, 2008	Garrido calls the fire department regarding the health of an elderly female.
June 24, 2008	Local law enforcement queries Garrido in law enforcement database.
June 27, 2008	Local law enforcement queries Garrido in law enforcement database.
July 2, 2008	Local law enforcement queries Garrido in law enforcement database.
July 10, 2008	Sex offender task force executes search warrant at Garrido's residence as part of a sweep of area registered sex offenders.
August 1, 2008	Local law enforcement queries Garrido in law enforcement database.
November 10, 2008	Local law enforcement queries Garrido in law enforcement database.
April 4, 2009	Garrido registers with local law enforcement as a sex offender.
April 14, 2009	Local law enforcement queries Garrido in law enforcement database.
June 3, 2009	Call to fire department from Garrido residence re: health of elderly female.
June 8, 2009	Call to fire department from Garrido residence re: health of elderly female.
June 22, 2009	Call to fire department from Garrido residence re: health of elderly female.
August 25, 2009	UC Berkeley police call Garrido's parole agent to report concerns regarding minors accompanying Garrido on campus. The parole agent goes to Garrido's residence and brings him to parole office for questioning. The parole agent returns Garrido to his residence and instructs him to report to the parole office the next day.
August 26, 2009	Garrido reports to the parole office with his wife, a female adult, and two female juveniles. The parole agent separates the females from Garrido and interviews them, but is unable to obtain clear identification. The parole agent then interviews Garrido and receives conflicting information. The parole agent contacts Concord Police who interview Garrido and determines Garrido is the father of the juveniles. The parole agent again interviews Garrido who confesses that he kidnapped and raped the female adult. Garrido is arrested.

California Department of Corrections and Rehabilitation's response to the special report (page 1)

STATE OF CALIFORNIA —DEPARTMENT OF CORRECTIONS AND REHABILITATION ARNOLD SCHWARZENEGGER, GOVERNOR

OFFICE OF THE SECRETARY
P.O. Box 942883
Sacramento, CA 94283-0001

November 2, 2009

Mr. David R. Shaw
Inspector General
Office of the Inspector General
P.O. Box 348780
Sacramento, CA 95834-8780

Dear Mr. Shaw:

Thank you for your report on the California Department of Corrections and Rehabilitation's supervision of parolee Phillip Garrido. While we appreciate the efforts of law enforcement and parole in apprehending Garrido, we regret he was not caught sooner. As you note, the Department recognized many of the issues raised in your report as part of the internal review that we provided to your office. And we agree that although the Department improved its supervision of Garrido in recent years, even further improvements in our system of parole supervision are needed.

That is why in March of this year, the Department announced that it would be seeking reforms of its parole system. The Department sought to recreate parole, transforming it into a risk-based system of supervision that targets its resources on dangerous offenders. The Department also explained that parole agent caseloads needed to be reduced so that high-risk parolees could be properly supervised. Dangerous offenders demand more time and attention from our parole staff.

We are grateful the Governor and Legislature recently passed into law a parole reform package that will enable the Department to create the type of risk-based supervision that is needed. When the law becomes effective on January 25, 2010, the Department will be ready to implement a system of parole supervision that uses risk to ensure that the most dangerous offenders receive the closest supervision. As part of this system, the Department will ensure, as the Inspector General has recommended, that all parolees will be assessed for risk and that clear, risk-appropriate supervision standards will guide our parole agents. Perhaps most significantly, with this legislative change, the Department will be able to reduce parole agent caseloads and the supervisory span of control and thereby be able to resolve the challenges created by a strain on parole supervision with too many offenders and too few agents, supervisors and managers. Thus, closer supervision can be paid to high-risk parolees. The Department appreciates that resources will soon be available for these very important purposes.

At the same time, the Department will continue to improve GPS policies and training as we become increasingly familiar with the possibilities of this evolving technology and as the technology itself improves. Over the last several years, the Department has been aggressive in

Mr. David R. Shaw
Page 2

placing all sex offenders on GPS even though GPS as a community corrections model is still in its infancy. In the future, we will ensure that parole agents periodically review all GPS tracks. We believe that GPS continues to be a valuable tool in the parole supervision model, demonstrated by its utilization on numerous occasions to detect and prevent criminal activity, and we will continue to strive to exceed local and national GPS standards.

Again, it is regrettable that the victims in this case were not discovered sooner. We are committed to doing everything we can to improve our system so that high-risk parolees are more closely supervised. We look forward to implementing our vision of parole reform so that those improvements are realized.

I would like to thank the Inspector General for this report. If there is anything further, I can be reached at (916) 323-6001.

Sincerely,

Matthew L. Cate

MATTHEW L. CATE
Secretary



SPECIAL REPORT

THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S SUPERVISION OF PAROLEE PHILLIP GARRIDO

OFFICE OF THE INSPECTOR GENERAL

DAVID R. SHAW
INSPECTOR GENERAL

SAMUEL DUDKIEWICZ
CHIEF DEPUTY INSPECTOR GENERAL (A)

DEBRA DEROSIER
DEPUTY INSPECTOR GENERAL, IN-CHARGE

DAVE BIGGS
DEPUTY INSPECTOR GENERAL

STATE OF CALIFORNIA
NOVEMBER 2009

WWW.OIG.CA.GOV

ATTACHMENT # 15

By Karin Brulliard and Michelle Boorstein
WASHINGTON POST

FORT A.P. HILL, Va. — The site of the National Boy Scout Jamboree was closed to outsiders Tuesday for a safety review and to give tens of thousands of Scouts the chance to grieve for four adult leaders who were electrocuted as they set up camp on the event's opening day.

The Scouts tried to go about the regular activities of the Jamboree, which is held here every four years and attracts youngsters from across the country and around the world. Investigators, meanwhile tried to determine how scuba pools, leaders said the deaths had cast a pall over the beginning of what was supposed to be 10 days of pure fun. Yet they vowed the event would continue as planned.


Powell

Military officials closed Fort A.P. Hill to visitors, citing extreme heat, threats of lightning and the need to give Scouts time to deal with the deaths, which Boy Scouts national spokesman Gregg Shields called the organization's "worst disaster" in the 68-year history of jamborees.

After a brief news conference at the base, reporters were asked to leave, and Scout leaders at the had prompted a base-wide review of safety procedures.

Shields gave no further information about how Monday's accident happened, saying only that it occurred as the leaders — with troops from western Alaska looking on — erected a large canopy that was to be used as a dining area.

He also identified the Scout leaders who were killed: Ronald Blitzer, 58, Michael Shibe, 49, and Mike Lacroix, 42, all of Anchorage; and Scott Powell, 57, who recently moved to Perrysville, Ohio.

Four others were injured in the accident, including a Scout medical center in Richmond. Another contractor was treated and released, Shields said.

Shibe was with two sons at the Jamboree, and Lacroix was with one, Shields said. The three boys were on their way home to Alaska on Tuesday, he said.

A memorial service for the leaders who were killed is planned for today, Shields said. President Bush is still expected to speak to Scouts at a kickoff show tonight, he said.

Shields said Scouts had been informed of the deaths in the Jamboree's daily newspaper and by its radio station, both of which are run by Scouts.

Man held in Smart kidnapping not competent for trial

ASSOCIATED PRESS

SALT LAKE CITY — The man charged in the kidnapping of Utah teenager Elizabeth Smart was declared mentally incompetent to stand trial Tuesday.

The decision by Judge Judith Atherton will send Brian David Mitchell to a state hospital until he is deemed capable of standing trial.

She issued her decision after six days of hearings over the past seven months.

Mitchell repeatedly shouted biblical admonitions and sang hymns during the hearings, prompting him to be removed from court several times.

Last year the judge ruled Mitchell's wife, Wanda Barzee, was not competent to stand trial either.


Mitchell

In her decision the judge noted that testimony showed Mitchell's family had a history of mental disorder.

Mitchell was the third of six children and a "loner" in a "highly dysfunctional" family, the judge wrote. Prosecutors argued that Mitchell was simply a narcissist with an extreme set of religious beliefs.

Elizabeth's father, Ed Smart, said he was resigned to the judge's decision about the family's one-time handyman.

"My satisfaction will be seeing him behind bars, not back out on the street to hurt anyone again," Ed Smart said.

Mitchell, 51, is accused of kidnapping then 14-year-old Elizabeth from her bedroom in 2002, sexually assaulting her and keeping her as his second wife.

He and Barzee, 59, were charged with kidnapping, aggravated sexual assault, aggravated burglary and attempted aggravated kidnapping.

He also was charged in the attempted abduction of Elizabeth's cousin.

Prosecutors expressed optimism that Mitchell would eventually be found competent to stand trial.

Frist pulls defense bill to elude votes on handling captives

Father sa

ATTACHMENT # 16

Grant Results

CY 1978 through CY 2010

# of Grants from CY 1978 through CY 2010		3,150
# of Grants from 1978 through 1980	2	0%
# of Grants from 1981 through 1983	105	3%
# of Grants from 1984 through 1986	172	5%
# of Grants from 1987 through 1989	92	3%
# of Grants from 1990 through 1992	139	4%
# of Grants from 1993 through 1995	39	1%
# of Grants from 1996 through 1998	53	2%
# of Grants from 1999 through 2001	148	5%
# of Grants from 2002 through 2004	550	17%
# of Grants from 2005 through 2007	521	17%
# of Grants from 2008 through 2010	1,329	42%

*Note: From 1978 through 2007 there were 1821 Grants

**Note: From 2008 through 2010 there were 1329 Grants

***These data values may differ from those previously published due to database updates.

Suitability Hearing Summary

CY 1991 through CY 2010

CALENDAR YEAR	SUITABILITY HEARINGS SCHEDULED	SUITABILITY HEARINGS CONDUCTED*	NUMBER OF GRANTS**	INMATES PAROLED***	SOURCE****
1991	1,729	1,283	49	33	Historical
1992	1,743	1,327	16	12	Historical
1993	1,613	1,304	19	15	Historical
1994	1,970	1,475	12	11	Historical
1995	2,128	1,845	8	7	Historical
1996	2,287	2,182	10	9	Historical
1997	2,274	2,170	16	16	Historical
1998	2,172	2,028	27	26	Historical
1999	1,950	1,782	13	13	Historical
2000	2,164	1,678	52	41	Historical
2001	3,630	2,631	83	66	Historical
2002	4,807	3,156	168	116	Historical
2003	4,479	2,354	168	120	Historical
2004	4,542	2,300	214	149	Historical
2005	4,933	2,571	161	111	Historical
2006	6,928	3,639	241	146	Historical
2007	6,181	3,118	119	87	Historical/LSTS
2008	7,073	3,473	293	180	LSTS
2009	7,121	3,420	542	193	LSTS
2010	5,639	2,714	494	138	LSTS

*Note: Suitability Hearings Conducted is comprised of Grants, Denial, Split Decisions and Continuations. Based on the use of various databases we are unable to determine if Stipulations, Postponements and Waivers were at hearing or pre-hearing events.

**Note: The "Number of Grants" column is comprised of the number of hearings resulting in a grant during the calendar year specified.

***Note: The "Inmates Paroled" column indicates the number of inmates that were paroled as a result of a hearing in the specified year, regardless of the actual year of release. For example, an inmate who received a grant hearing result in 1991, but was not released until 1993 is tabulated in 1991. This is because the hearing in which he/she was granted parole occurred in 1991. Calendar Years 2008, 2009 and 2010 totals in this section are approximations and may differ from previous publications due to database updates.

****Note: Calendar years 1991 through 2006 is comprised of data from an archived database. Calendar year 2007 is comprised of data from both the archived database and from the Lifer Scheduling and Tracking System (LSTS). Specifically, January 1, 2007, though October 31, 2007 data is from the archived database and data from November 1, 2007 through December 31, 2007 is from LSTS. Calendar years 2008 to present is from LSTS.

*****Note: These data values may differ from those previously published due to database updates.

1\Numbers may fluctuate due to future release dates, Credit for Time Served, and Updates to archive databases.

Revised January 18, 2011

Suitability Hearing Summary

CY 1978 through CY 1990

CALENDAR YEAR	SUITABILITY HEARINGS SCHEDULED	SUITABILITY HEARINGS CONDUCTED*	NUMBER OF GRANTS**	INMATES PAROLED***	SOURCE****
1978	1	1	1	1	Historical
1979	1	1	1	1	Historical
1980	2	2	0	0	Historical
1981	321	321	31	25	Historical
1982	776	776	29	25	Historical
1983	839	839	45	37	Historical
1984	707	706	59	54	Historical
1985	823	810	64	61	Historical
1986	942	820	49	40	Historical
1987	877	747	40	34	Historical
1988	1,017	870	28	24	Historical
1989	1,138	945	24	17	Historical
1990	1,817	1,439	74	56	Historical

*Note: Suitability Hearings Conducted is comprised of Grants, Denial, Split Decisions and Continuations. Based on the use of various databases we are unable to determine if Stipulations, Postponements and Waivers were at hearing or pre-hearing events.

**Note: The number of Grant totals is comprised of the number of results occurring during the calendar year. It does not represent the number of inmates released during that year. If the inmate had a future release date he/she would have remained in custody until that time.

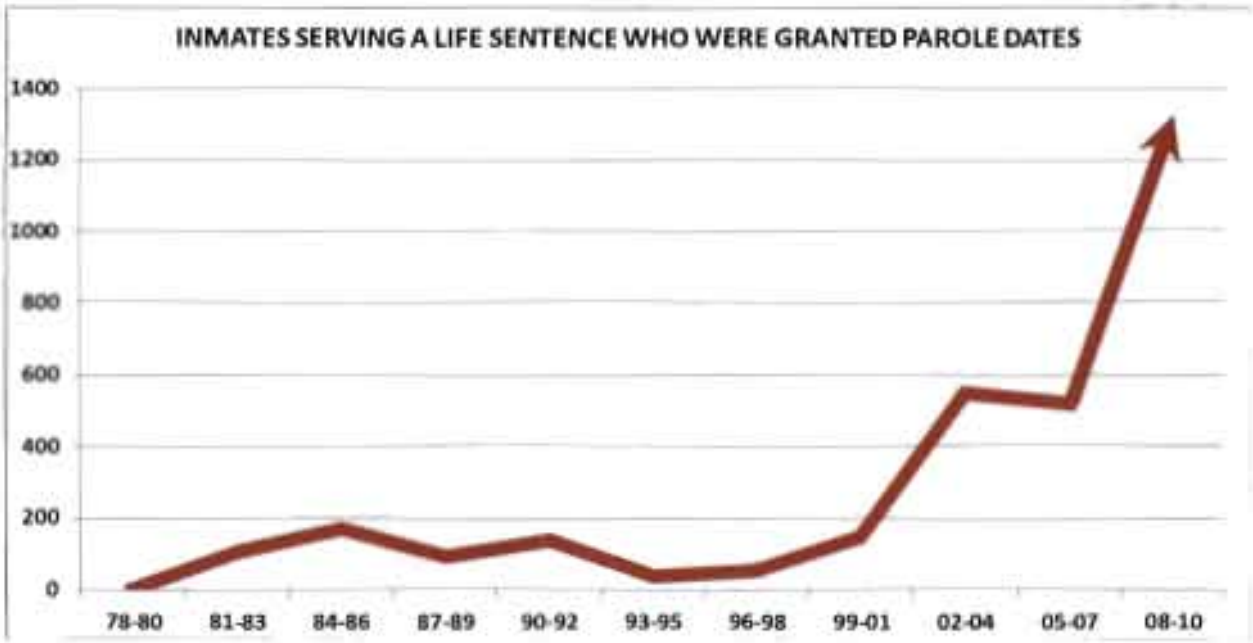
***Note: The number indicates inmates who were granted parole in that specific year, regardless of the actual year of release. For example, an inmate who received a grant hearing result in 1991, but was not released until 1993 is tabulated in 1991.

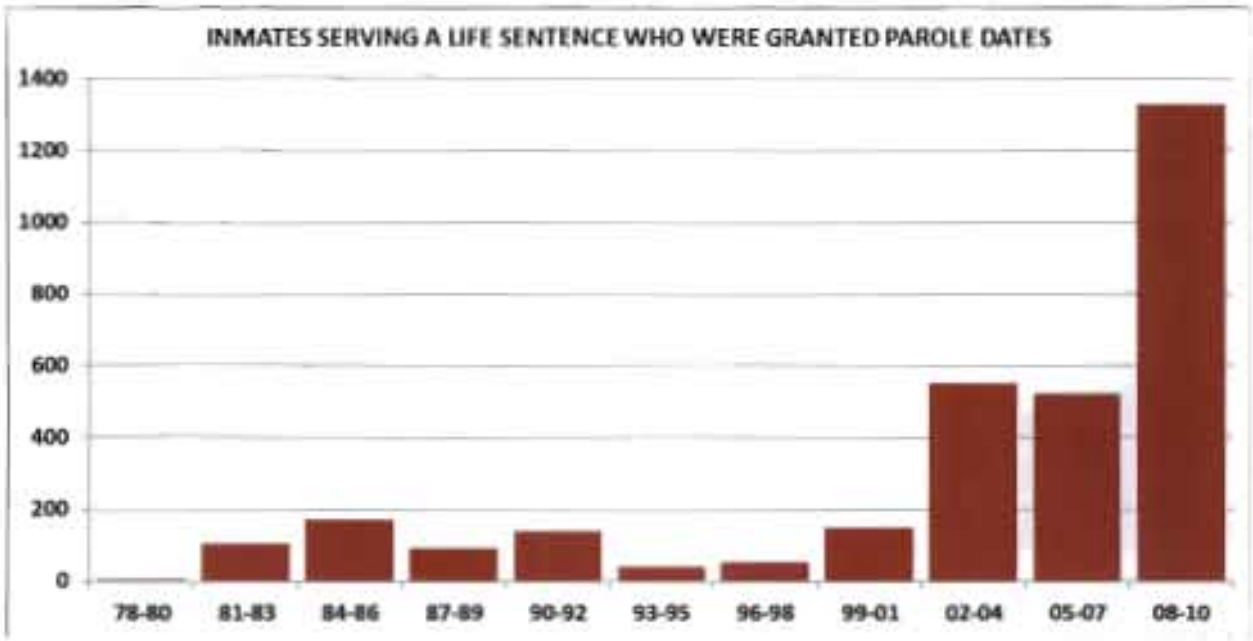
****Note: Calendar years 1978 through 1990 is comprised of data from an archived database. LSTS.

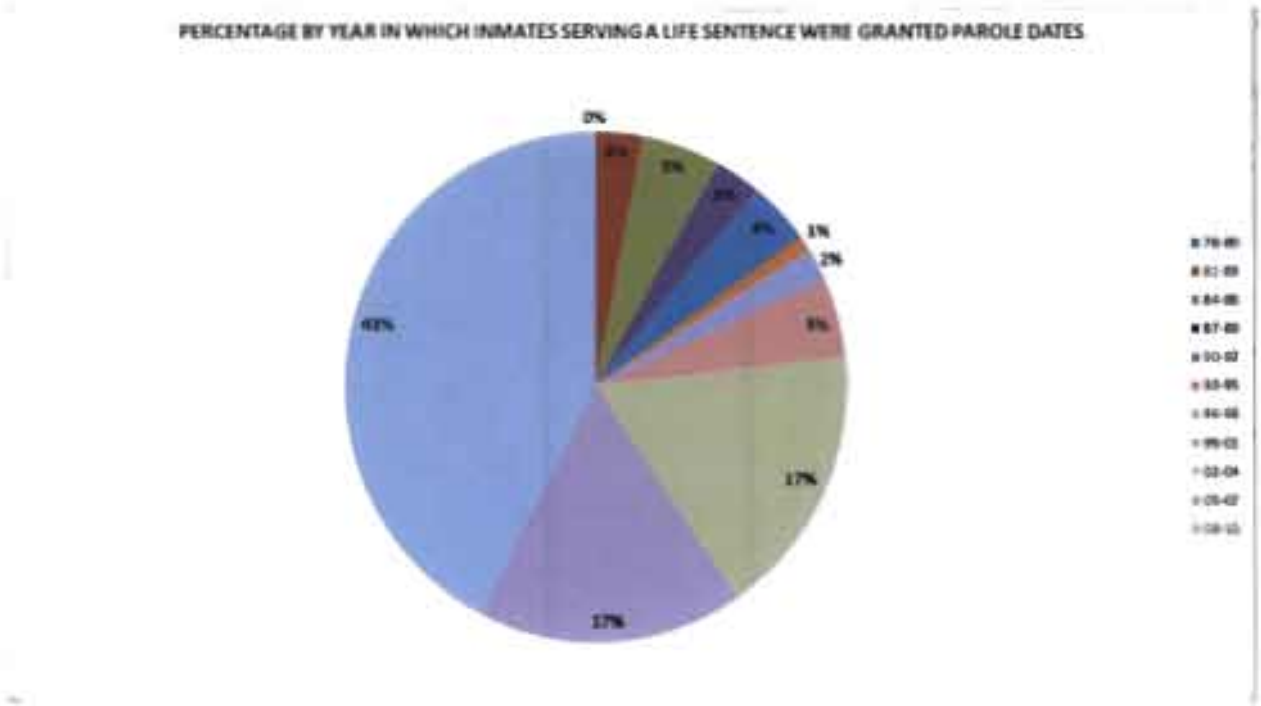
*****Note: These data values may differ from those previously published due to database updates.

Numbers may fluctuate due to future release dates, Credit for Time Served, and Updates to archive databases.

Revised January 18, 2011


INMATES SERVING A LIFE SENTENCE WHO WERE GRANTED PAROLE DATES
1400
1200
1000
800
600
400
200
0
78-80
81-83
84-86
87-89
90-92
93-95
96-98
99-01
02-04
05-07
08-10


INMATES SERVING A LIFE SENTENCE WHO WERE GRANTED PAROLE DATES
1400
1200
1000
800
600
400
200
0
78-80
81-83
84-86
87-89
90-92
93-95
96-98
99-01
02-04
05-07
08-10


PERCENTAGE BY YEAR IN WHICH INMATES SERVING A LIFE SENTENCE WERE GRANTED PAROLE DATES
0%
1%
2%
17%
17%